

IRRC

From: Smith, James M.
Sent: Tuesday, January 03, 2006 2:36 PM
To: IRRC
Subject: FW: World Languages

#2499

-----Original Message-----

From: daria harmaty [mailto:daria_harmaty@cocalico.k12.pa.us]
Sent: Tuesday, January 03, 2006 2:33 PM
To: Smith, James M.
Subject: World Languages

The Academic Standards for World Languages for all students have not yet been approved. World Languages is the only core content area that still has not approved mandated academic standards. I request that you add your voice to the voices of Pennsylvania educators, students, business leaders and parents who understand that world language study is an essential component of the skills all PA children need to function in our multicultural- multilingual country/world and ensure that Pennsylvania can compete in the global marketplace

Recent **misunderstandings** surrounding the adoption of the world language standards have been expressed by some in Harrisburg. These points have been addressed by world language professional organizations and individuals throughout the state:

1) There is a lack of qualified teachers to teach world languages.

The adoption of academic standards for world languages will encourage our young people to enter into world language teacher training programs. There is an increased awareness in Washington D.C. of the need for language specialists due to current world affairs. Academic standards will communicate the equity and worthiness of world language teaching as a viable profession.

2) Intellectually challenged students cannot learn a world language.

All other countries with similar challenges have special needs students who leave school knowing multiple languages. We have many models of how to meet all students' needs through the inclusion model, differentiation in instruction and assessment, accommodations and adaptations- which are already in place for other content areas and are currently alive in many world language classrooms. These best practice models simply require continued replication in all world language classrooms.

3) The proficiency levels for world languages are defined as advanced, proficient, basic and below basic.

The world language proficiency levels are not patterned after the proficiency levels for language arts. Proficiency in a world language follows the national standards for world languages and the American Council of Teachers of Foreign Languages. Proficiency in a world language is defined as attaining survival skills in an authentic setting. A student can achieve proficiency in one or more of the standards and move through stages of increasing levels of achievement over time in a program of study.

Our state continues to move forward to reform all levels of our schools to ensure that we are teaching our students the skills they will need to compete globally for high skilled jobs and to be life long learners in a diverse world community. Please ensure that world languages is a vital part of these initiatives. Adoption of the Proposed Academic Standards for World Languages is an important first step in this process.

1/3/2006

Respectfully,

Daria Harmaty

IRRC

From: Smith, James M.
Sent: Tuesday, January 03, 2006 2:22 PM
To: IRRC
Subject: FW: Legislative Concern for Pennsylvania Education

#2499

-----Original Message-----

From: Bonnie Youngs [mailto:byoungs@andrew.cmu.edu]
Sent: Tuesday, January 03, 2006 2:06 PM
To: Smith, James M.
Subject: Legislative Concern for Pennsylvania Education

Dear Sir,

I ask that you read the information below, but the short version is that the United States has recently finished the 2005 Year of Languages and the 2006 Year of Study Abroad began on January 1st (languagepolicy.org). More than two-thirds of the states in this country have approved world language standards and recently Indiana, a state similar to Pennsylvania in that one wouldn't initially consider that state as having multilingual issues, has mandated the study of world language as early as middle school.

In an October 2005 EPLC breakfast meeting address in Pittsburgh, Gerald Zahorchak noted that an increase in economic opportunities for Pennsylvania's students after high school graduation is a priority of the Pennsylvania Department of Education. His observations regarding the economic competition that Pennsylvania engages in with the other states in this country were very appropriate. Although Pennsylvania has an increasing migrant non-first language population (for example, Lancaster County is home to 55 different languages), we are not as populated as other states in this regard. For example, California, Texas, Arizona, etc. have a much higher population of Spanish-speakers. If companies from abroad were to choose states based on these data alone, Pennsylvania would not be competitive. Certainly, Pennsylvania will not increase her Spanish-speaking population, but couldn't we encourage Dr. Zahorchak's and PDE's plan to encourage economic growth by teaching world lang!

uage so that we could become at least competitive in some areas and provide an attractive workforce? Pennsylvania cannot afford to lose potential investment capital due to lack of a rather straightforward solution as teaching world languages to our children.

Aside from national and international issues like terrorism and intelligence efforts, there are more basic needs. Our country could use more world language speakers in areas such as healthcare. All high school graduates will not go on to a four year college education (one reason given as to why all students should not be required to learn world language). What type of work might these students do, then? Perhaps they'll be phone operators for Blue Cross/Blue Shield. Perhaps they'll be hospital care employees, moving patients from one location to another within a healthcare facility. Perhaps they'll be soldiers sent to a foreign country. Perhaps they'll be physical therapists and a situation could arise in which it would helpful to speak to their patients in Spanish or Japanese. Perhaps they'll be secretaries for Bayer, Heinz, Sony, PNC or Mellon Bank. Perhaps they'll be truck drivers between the east and west coasts, or from the north to the south. Perhaps they'll b!

e football, basketball or baseball professionals and could help in speaking to teammates from foreign countries. Any of these situations could generate a need for 'basic language survival skills', the level proposed in the Academic Standards for World Languages.

If you care to read on, the letter below was written to address concerns over how and why world languages be taught to all students in Pennsylvania. I encourage you to do so, but more so, I encourage you to contact me if you have any questions related to what is written both above and below here.

Sincerely,

Bonnie L. Youngs, PhD
parent in the Pittsburgh school district
Pennsylvanian
President, PSMLA
Associate Teaching Professor of French, Carnegie Mellon University
412-621-2517 (home)
byoungs@andrew.cmu.edu

The Academic Standards for World Languages for all students have not yet been approved. World Languages is the only core content area that still has not approved mandated academic standards. I request that you add your voice to the voices of Pennsylvania educators, students, business leaders and parents who understand that world language study is an essential component of the skills all PA children need to function in our multicultural-multilingual environments and ensure that Pennsylvania can compete in the global marketplace

Recent misunderstandings surrounding the adoption of the world language standards have been expressed by some in Harrisburg. These points have been addressed by world language professional organizations and individuals throughout the state:

1) There is a lack of qualified teachers to teach world languages.

The adoption of academic standards for world languages will encourage our young people to enter into world language teacher training programs. There is an increased awareness in Washington D.C. of the need for language specialists due to current world affairs. Academic standards will communicate the equity and worthiness of world language teaching as a viable profession.

2) Intellectually challenged students cannot learn a world language.

All other countries with similar challenges have special needs students who leave school knowing multiple languages. We have many models of how to meet all students' needs through the inclusion model, differentiation in instruction and assessment, accommodations and adaptations- which are already in place for other content areas and are currently alive in many world language classrooms. These best practice models simply require continued replication in all world language classrooms.

3) The proficiency levels for world languages are defined as advanced, proficient, basic and below basic.

The world language proficiency levels are not patterned after the proficiency levels for language arts. Proficiency in a world language follows the national standards for world languages and the American Council of Teachers of Foreign Languages (actfl.org). Proficiency in a world language is defined as attaining survival skills in an authentic setting. A student can achieve proficiency in one or more of the standards and move through stages of increasing levels of achievement over time in a program of study.

Our state continues to move forward to reform all levels of our schools to ensure that we are teaching our students the skills they will need to compete globally for high skilled jobs and to be life long learners in a diverse world community. Please ensure that world language education be a vital part of these initiatives. Adoption of the Proposed Academic Standards for World Languages is an important first step in

this process.

IRRC

From: Smith, James M.
Sent: Thursday, January 05, 2006 7:35 AM
To: IRRC
Subject: FW: state standards for world languages

#2499

-----Original Message-----

From: nsmith@allegheny.edu [mailto:nsmith@allegheny.edu]
Sent: Wednesday, January 04, 2006 10:10 PM
To: Smith, James M.
Subject: state standards for world languages

Dear Mr. Smith,

The Academic Standards for World Languages for all students have not yet been approved. World Languages is the only core content area that still has not approved mandated academic standards. I request that you add your voice to the voices of Pennsylvania educators, students, business leaders and parents who understand that world language study is an essential component of the skills all PA children need to function in our multicultural-multilingual environments and ensure that Pennsylvania can compete in the global marketplace

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will need to compete globally for high skilled jobs and to be life long learners in a diverse world community. Please ensure that world language education be a vital part of these initiatives. Adoption of the Proposed Academic Standards for World Languages is an important first step in this process.

Respectfully,

Nancy Smith

IRRC

From: Smith, James M.
Sent: Thursday, January 05, 2006 7:52 AM
To: IRRC
Subject: FW: World Language standards

#2499

-----Original Message-----

From: DeVivo, Arleen [mailto:ADeVivo@masd.k12.pa.us]
Sent: Thursday, January 05, 2006 7:45 AM
To: Smith, James M.
Subject: World Language standards

Dear Mr. Smith,

The Academic Standards for World Languages for all students have not yet been approved. World Languages is the only core content area that still has not approved mandated academic standards. I request that you add your voice to the voices of Pennsylvania educators, students, business leaders and parents who understand that world language study is an essential component of the skills all PA children need to function in our multicultural-multilingual environments and ensure that Pennsylvania can compete in the global marketplace

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1/5/2006

skills in an authentic setting. A student can achieve proficiency in one or more of the standards and move through stages of increasing levels of achievement over time in a program of study.

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Respectfully,

Arleen DeVivo
Moon Area School District
Spanish Teacher

IRRC

From: Smith, James M.
Sent: Monday, January 09, 2006 11:20 AM
To: IRRC
Subject: FW: Academic Standards for World Languages

#2499

-----Original Message-----

From: Kathleen Forth [mailto:kforth@yahoo.com]
Sent: Sunday, January 08, 2006 3:33 PM
To: Smith, James M.
Subject: Academic Standards for World Languages

Dear Mr. Smith:

Adoption of the Proposed Academic Standards for World Languages is very important as a step in improving language instruction for the children of our commonwealth.

There has been talk for years about the benefits of understanding the languages and cultures of other countries. Let's take this opportunity to do something about this need.

Please use your influence to guide our legislators as they meet this issue. Thank you.

Sincerely, Kathleen Forth, member AATF and PSMLA

Yahoo! DSL - Something to write home about.
Just \$16.99/mo. or less.
dsl.yahoo.com



**REVISED PROPOSED AMENDMENTS TO
22 PA CODE CHAPTERS 4 and 339
April 18, 2006**

The Education Law Center, the Disabilities Law Project, and the ARC of PA, submit these revised proposed amendments to proposed 22 PA Code Chapters 4 and 339, which were published in the PA Bulletin. The three groups have had substantive discussions with the leadership of PDE's Bureaus of Special Education and Career and Technical Education regarding our concern that PA students with disabilities do not have full access to vocational-technical education opportunities, including Area Vocational Technical Schools (AVTSs). In some regions, AVTSs are the only options for students seeking technical education. Students denied access to or supports in AVTSs in those regions are deprived of any meaningful vocational education opportunity.

We have received complaints from families that AVTS and other vocational programs are failing to admit students with significant disabilities; are not providing them with sufficient support in either the academic or technical parts of the program; or are unnecessarily limiting their access to particular vocational options. Some of these complaints have resulted in litigation against a school district, an area vocational technical school, and the Department.

We are grateful that the Department has been willing to discuss amendments to Chapters 4 and 339 that could help fix many of these problems statewide and without further litigation. We believe that the following changes to the published regulations are needed to ensure compliance with federal and state law, including §504 of the Rehabilitation Act, the Individual with Disabilities Education Improvement Act, and the ADA.

Chapter 4

§4.13(b): Every AVTS, in conjunction with and with the approval of the majority of its participating school districts, shall develop and file with the Department a strategic plan once every 6 years.... The strategic plan shall incorporate appropriate components of the strategic plan submitted under subsection (a) by

participating districts, and shall describe how students with disabilities shall be admitted to and [supported] accommodated in its programs.¹

§4.31(a): Vocational-technical education courses shall be developed in the planned instruction format and shall be accessible to all high school students attending those grades in which vocational technical courses are offered. All students and their parents or guardians shall be informed of the students' rights to participate in vocational-technical programs and their courses, and that students with disabilities are entitled under the Individuals with Disabilities Education Act §504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act to special [supports] services and accommodations such as modified equipment or additional academic support in accordance with their Individualized Education Programs to help them succeed in such programs. Students who complete approved vocational-technical education programs shall have their occupational competency assessed, with accommodations if necessary, by completion of the appropriate assessment under the PA Skills Certificate Program or by completion of another occupational competency assessment approved by the Department. Students shall also demonstrate proficiency in meeting academic standards as required under §4.24(a) (relating to high school graduation requirements) and 4.12(f), 4.24(e)(relating to children with IEPs).

§4.31(c): Vocational-technical education programs shall consist of a series of planned academic and vocational-technical education courses that are articulated with one another so that knowledge and skills are taught in a systematic manner. When appropriate, vocational-technical education programs must adopt, in program areas for which they are available, industry recognized skills standards, and may also include cooperative vocational-technical education and participation in vocational student organizations to develop leadership skills. However, vocational-technical education programs shall not use industry recognized skills standards as a basis for excluding a student with a disability from a vocational program on the grounds that he cannot meet those standards if the student can benefit from attending that program with reasonable [supports] accommodations or services as determined by their IEP teams.

§4.33(c): An occupational advisory committee shall be established for each vocational-technical education program or cluster of related programs offered by a school district or AVTS. The Committee shall be appointed by the board of directors, and a majority of the members of the committee shall be employees and employers in the occupation for which training is provided, and at least one member shall be a Special Education [Director] Administrator from one of the school entities served by the AVTs. The Committee shall meet at least twice each year to advise the board, administration and staff on curriculum, equipment, instructional material, safety requirements, program evaluation and other related

¹ The proposed ELC language is underlined. The remaining text contains the current language and the changes proposed by the State Board.

matters, and how the program can be adapted to meet the needs of students with disabilities...

Chapter 339

§ 339.1a. Definitions.

Action plan--Formal strategies and accountability plans for ensuring that all students are equipped with the academic and occupational skills they need for career success commensurate with their [potential] ability and for lifelong learning.

Employment – Employment includes competitive employment, and if appropriate for students with disabilities, supported employment.

IEP--Individualized Education Program under 22 PA CODE § 14.131 (relating to IEP).

The above recommendations clarify that, for students with disabilities, employment can include supported employment, and that students have a range of abilities.

§ 339.2. Operation.

A board of school directors, acting individually or in conjunction with other boards of school directors, may establish, operate, maintain and conduct rigorous academic and career and technical education vocational or technical education programs or both, with appropriate [supports] accommodations [and modifications] for students with disabilities as required by §504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, which can include adaptive equipment and machinery as when needed, and services as required by the students' Individualized Education Programs under the Individuals with Disabilities Education Act, under the approved strategic plans.

This recommendation clarifies that vocational programs must not only admit students with disabilities, they must provide those students with needed supports and modifications.

§339.4 Program approval.

(b) Application for approval or reapproval. Programs shall be reviewed for compliance with this chapter. Application shall be made on forms supplied by the Department, which must include, but not be limited to:

(2) Evidence that the program prepares students for employment in high priority occupations or other occupations supported by local labor market information and is supported by local employers.

This recommendation adds the term “employment,” which as newly defined includes supported employment.

(8) Assurance that support or special services are available to the students when disadvantaged, disabled or [limited English-speaking students] English Language Learners are enrolled as required by Chapters 14 and 15 (relating to special education programs and services; and

protected handicapped students) and 22 Pa. Code Sec. 4.26 and Title VI of the Civil Rights Act of 1964 (relating to English Language Learners). These students are provided with the support and assistance as written in the IEP or service agreement, and that are necessary to succeed in the vocational program.

This change adds the legal authority relating to LEP students (the provision already includes the legal references for children with disabilities).

- (9) Assurance shall be given that students have the appropriate competencies in mathematics, science and English prior to entrance in a vocational training program and that subsequent instruction in these academic areas is appropriate to their chosen area of occupational training. However, students with disabilities shall not be denied admission solely because of their academic achievement levels unless, as determined by their IEP teams, the students cannot benefit from the vocational program even with [supports] services and accommodations.

This is a key change. As noted above, it is important that the effort to upgrade the academic content of vocational education programs not serve as an excuse to exclude students whose disabilities who, with supports, can benefit from an AVTS or a particular educational program. It also acknowledges that it is the IEP team, including the parent and school representatives, who are charged with making this and other programmatic decisions. We believe that this standard is mandated by federal law, in particular Section 504 of the Rehabilitation Act of 1973, the Individuals with Disabilities Education Act (IDEA), and the Americans with Disabilities Act (ADA). It is the standard adopted in the settlement agreement in Serventi v. Bucks County Technical High School.

- (13) Evidence that joint planning with sending schools around academic and other needs of attending students occurs, including the needs of students with disabilities and English Language Learners.

This recommendation is to ensure that the sending school and the AVTS plan to meet the needs of special needs students.

(d)(1) Retain approval.

(i) Accountability standards. School entities shall implement the following standards, which shall be subject to review by the Department:

(B) Student performance on achieving academic standards will be measured, and the Pennsylvania System of School Assessment (PSSA), the PA Alternate System of Assessment (PASA), or other alternative assessments included in Chapter 4 will be used to define the level of academic achievement.

PDE has developed the PASA to assess students with significant cognitive disabilities, and is developing alternative achievement standards and assessments for students with severe disabilities that prevent them from achieving at the same level as their same aged peers. The "accountability standards" should not penalize AVTSs or vocational programs whose students take alternate assessments as determined by their IEP teams. Otherwise, the

schools will have a disincentive to admit these students for fear that the students' achievement scores will reflect badly on the schools.

PLANNING

§ 339.13. Local advisory committee.

The local advisory committee as set forth in § 4.33(a) (relating to advisory committees) shall also include representatives authorized by the workforce investment board, civic organizations, parents and students, a special education [director] administrator for a participating school entity, and higher education institutions.

An informed voice for students with disabilities, a special education director from a sending school district, should participate in the AVTS's local advisory committee – and parents and students should also be represented.

CURRICULUM

§ 339.21. Admissions.

An admissions policy developed by the local education agency regarding entrance to a vocational education program must state whether enrollment is unlimited or limited. If enrollment is limited, an admissions policy shall include nondiscriminatory eligibility requirements for the purpose of predicting a student's success in a given program. A student with a disability shall be considered successful if, as determined by the IEP team, the student, with [supports] services and accommodations, can benefit from the program.

(1) When the number of students predicted to be successful in a given program exceeds the number of openings available, an admissions policy must include a nondiscriminatory selection procedure, as required by current Federal and Commonwealth statutes, regulations and guidelines. Under a non-discriminatory selection procedure, a student with a disability shall not be denied admission to or terminated from a vocational education program on the basis that the student cannot meet the statewide performance measures and standards set by the Secretary if the student, with [modifications] accommodations, or [supports] services as determined by the student's IEP team, can meet those standards and/or benefit from the program. [as determined by the student's IEP team.]

This added language sets a flexible standard for determining what constitutes "success" for a student with a disability, and whether an admissions selection procedure is discriminatory. The standard is based on Section 504 of the Rehabilitation Act of 1973, the IDEA, and the ADA. It prevents a vocational program from excluding a student with a disability solely because the student cannot achieve at the same academic level as peers without disabilities if the student's IEP team determines that the student can benefit from the program with supports and accommodations. Some students with disabilities can meet age and grade appropriate standards with support or IEP services. Still others can benefit and learn marketable skills or skills that that will be helpful in non-competitive employment. Vocational programs must admit, support, and serve students with this range of disabilities and potential.

(7) IEP and service agreement team meetings, when scheduled by the school district, must give notice to the career and technical education instructor assigned and shall be attended by the program instructor to which the student is seeking admission or is attending.

The recommendation clarifies that integrated planning is needed when a student with a disability is seeking admission to a vocational program, and during the IEP or service planning meetings that occur when the student is already attending such a program.

§ 339.22. Program content.

(a) Occupational program requirements. The primary objectives of an occupational program are to prepare students for high priority occupations or other occupations supported by local labor market information and is supported by local employers, and for successful employment and lifelong learning through acquisition of high-level academic, technical and career development skills commensurate with the student's [potential] ability, efficient work habits and attitudes about the personal, social and economic significance of work. Occupational programs include vocational agriculture, vocational business education, vocational health occupations, vocational marketing and distributive education, vocational occupational family and consumer sciences, and vocational trade, industrial and technical education. Occupational programs must be standards-based, meet licensure or industry skill certification or Pennsylvania Skills Certificate, as required, provide extended classroom experience, and meet minimum time requirements. The specific requirements of the foregoing elements are as follows:

(1) Standards-based. Programs must have standards-based plans. A standards-based plan is an instructional system that is planned and managed by the teacher, based upon occupational analysis and clearly stated performance objectives that are deemed critical to successful employment as recommended by occupational advisory committees. The instructional process must derive its content from the task performed in each occupation and job and provide for the assessment of student performance on the basis of preset performance standards. Standards-based plans must include:

(b) Exceptional programs requirements. An exceptional program will be approved if the local education agency documents that it is needed to meet the vocational education requirements of students with disabilities in the least restrictive environment, in accordance with their individualized education programs.²

These changes again acknowledge that students in vocational programs have a broad range of potential. Section 339.22(a)(1)(b) would also permit an LEA, with the Secretary's approval, to operate a substantially different program for students with disabilities so long as it complies with the IDEA's LRE requirement and it demonstrates that the program is needed to meet the needs of students with disabilities. .

GUIDANCE

§ 339.32. Services.

² A version of this language is in the current regulations, but the proposal would delete it in its entirety.

The plan shall be designed to promote equal opportunity and include the following guidance service areas:

(1) Assistance to students in selecting vocational curricula that meet their needs and address their interests. For students with disabilities, this will include working with the IEP teams to identify the [supports] services or accommodations the students will need to succeed in a particular vocational program.

(6) Support of a placement service that is developmental and makes provisions for the transition from school to the world of work. For students with disabilities this will include participating in transition planning.

Guidance staff must work with IEP teams to ensure that students with disabilities make the right vocational choices, and receive the support they need to succeed. Also, IDEA mandated transition planning is the vehicle by which school entities plan for post-secondary educational and vocational options. Guidance staff needs to be part of this process.

EVALUATORS

§ 339.61. Evaluation.

(a) General rule. Approved vocational education curriculum shall be subject to review by the Secretary to determine compliance with this chapter.

* * * * *

(c) Report. The Department evaluation team shall file a report with the board of school directors and area vocational-technical school board of directors within 30 calendar days after the on-site evaluation.

(d) Content. The report must identify areas that are not in compliance with § 339.1 (relating to scope of applications) and other applicable statutes, regulations and guidelines. The report must specifically include the extent to which students with specific disabilities are admitted to the AVTS and specific vocational programs, and the [supports] services and accommodations provided by the program to those students, and whether the program is fully accessible and is barrier-free.

The data that is currently maintained on students with disabilities is inadequate for the Secretary and the public to determine whether these students are getting fair access to these programs and to specific vocational options, whether the students are receiving necessary supports, and whether the programs are barrier-free. This addition would require the Secretary to gather (and the vocational programs to maintain) this essential information.

Original: 2499 -



RECEIVED - 0 27 0 13
REVIEW SERVICES DIVISION

Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

December 1, 2005

Mr. Gary Smith
School Board President
Harbor Creek School District
6375 Buffalo Road
Harborcreek, PA 16421

Mr. Karl Dolak
School Board Secretary
Harbor Creek School District
6375 Buffalo Road
Harborcreek, PA 16421

Dear Mr. Smith and Mr. Dolak:

Thank you for your letter of November 18, 2005 on proposed 22 Pa. Code, Chapter 4, academic standards and assessments.

Your letter is considered as official public comment and is being shared with all members of the Board. Pursuant to the provisions of the Regulatory Review Act, copies of your comments are also being provided to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Education Committees.

The regulatory Review Act provides that information on proposed and final regulations be mailed to public commentators at their request. If you would like to receive the final-form of these regulations when they are finalized, please make your request to me in writing at the address printed below.

Sincerely yours,

A handwritten signature in black ink that reads "Jim Buckheit".

Jim Buckheit
Executive Director

cc: Members of the State Board
Senator Rhoades
Senator Musto
Representatives Stairs
Representatives Roebuck
IRRC

Original: 2499

HARBOR CREEK SCHOOL DISTRICT

6375 Buffalo Road • Harborcreek, Pennsylvania 16421

Dr. David A. Smith
Superintendent
814-897-2100 Ext. 2102
FAX 814-897-2142

Dr. Willard T. O'Neil
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814-897-2100 Ext. 1365/2200
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Karl J. Dolak, CMA
Business Administrator
814-897-2100 Ext. 2200
FAX 814-897-2142

November 18, 2005

REC'D NOV 30 2005

Jim Buckheit, Executive Director
State Board of Education
333 Market Street
Harrisburg, PA 17126-0333

The purpose of this letter is to provide our school district's reaction to the proposed changes to Chapter 4 and Chapter 11 during the 30-day comment period. We are very pleased that standards continue to drive our curriculum, assessment and practice, and especially appreciate the identification of the Anchor Standards, provisions that clearly identify the most essential standards. However, we note the following:

1. Authority for teachers to seek removal of a certification area if they have not taught in that area within the previous five years (currently 10 years)
 - We believe that school districts have been charged with the orderly and efficient operation of the schools. A teacher's capacity to unilaterally downsize their license to practice may compromise the school district's inherent right to manage in an "orderly and efficient" manner.
 - The (PA) State Board of Education's proposed plan demands that the school district's "most effective and highly qualified teachers" be assigned so as to meet the needs of struggling students. A teacher who opts to remove a certificated subject from their potential assignment is not necessarily providing a benefit to struggling students. For example, an elementary teacher who acts to avoid a transfer and subsequent assignment in special education may be the most effective and highly qualified person available, but this availability is compromised by this five-year rule. To protect the interests of all students, school districts may have

to posture through arbitrary teacher reassignments to different certified assignments every four years. Would it not be more effective to leave the ten-year rule in place, or, better, to withdraw this rule altogether?

2. Revision of the grade level limitation of instructional certificates as follows: Early Childhood to include pre-kindergarten, kindergarten, and grades 1-3; Elementary to include kindergarten, and grades 1-6 or ages 4 - 11; Middle Level to include grades 6-9 or ages 11-15; Secondary to include grades 7-12 or ages 11-21; Specialized Areas to include pre-K- 12 or up to age 21; and Special Education to include pre-K - 12 or up to age 21.

- The concept of pre-K specialists adds flexibility to potential assignments in the future . Our school district does not presently operate a pre-K program, but we appreciate the inclusion of that concept now.

3. Strategic plans -- Each filed plan is to be "an extension of this chapter (that is) uniquely adapted to each school entity." **A plan can only be changed by the planning committee that is approved by the school board.** The proposal provides that committee membership will include teachers from elementary schools, middle/junior high schools, senior high schools and area vocational-technical schools, and educational specialists (school nurses, guidance counselors). **The plan must address how the school will assign "its most effective and highly qualified teachers" to meet the needs of struggling students. (Bold added for emphasis)**

- Presently, strategic plans are developed by stakeholder teams for school board review and adoption. The school board is elected to make policy decisions, and to provide the resources that are required. For example, the local school board may adopt a strategic planning recommendation to teach a new world language, Japanese. The program may or may not be successful. The school board should be able to alter its decision based on its assessment of the program's effectiveness without consulting the strategic steering committee. The proposed language, language that requires the consensus of an appointed stakeholder group, compromises the school board's inherent right to manage its schools in the orderly and efficient manner that is required by the PA School Code.

- Labor contracts have included assignment provisions that are based upon seniority. These provisions were negotiated decades ago and removing or altering them has been difficult. Will any legislative relief or any state regulation curtail these work rules? Nearly all labor contracts recognize the preeminent ability of the law to “trump” contractual language.
- In addition to “seniority” provisions for transfers, involuntary transfer language compromises a school district’s capacity to assign most effective and highly qualified staff to the most needy place. Are there plans to provide legislative or regulatory relief?

4. Each school entity must specify the graduation requirements in its strategic plan. The requirements must include course completion and grades, completion of a culminating project and results of local assessments aligned with academic standards. Students also must demonstrate proficiency in reading, writing and math on either the state assessment administered in 11th grade (or 12th if necessary) or a local assessment aligned with academic standards and the state test. **Local Assessment/PSSA as a graduation requirement -- There is new language that recognizes as a local assessment the work of students who complete approved vocational-technical education programs, earn a Pennsylvania Skills Certificate, industry certificate, or successfully complete other occupational competency assessments and projects.**

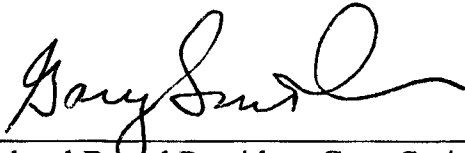
Major change: Assessments as a graduation requirement. The proposed language allows the use of local assessments, but requires such assessments to be aligned with the PSSA. **School entities would certify the alignment between the local assessment and the PSSA to PDE. If more students achieve proficiency on the local assessment than the PSSA, the PDE will infer that the local assessment is not aligned with the PSSA or the PSSA's meaning of proficient. A school would then be required to use the PSSA as a graduation requirement until PDE determines that the local assessment meets the requirement to be aligned with the PSSA. Further, if a school does not comply with any of these requirements, the state will withhold funding "until such time as the secretary is satisfied that the school entity is in compliance with this chapter."**

- The inclusion of technical school and other certificates as local assessments is very appropriate. This language will legitimize the importance of the technical school and will also encourage students to enroll in these programs.

- That fewer students pass the state PSSA than a local assessment cannot always be attributed to a softer, local assessment. The local assessment is likely to be more authentic, and done over a long period of time. The state test is a very short-time singular event that may not be a more valid measure student achievement than is the local instrument or process.
- Given the present staffing of PDE, a student's graduation could be held up until after a new school year begins, effectively removing the student from opportunity for a career or further education. I urge you to remove the penalty and use an auditing process to determine whether a local assessment is congruent with the PSSA.

Thank you for the opportunity to provide our comments to you. Please feel free to contact for further information and clarification regarding the heartfelt beliefs of the Harbor Creek School Board.

Yours truly,



School Board President Gary Smith



School Board Secretary Karl Dolak

Copies: David A. Smith, Ph.D., Superintendent Harbor Creek School District

Members of the Harbor Creek School Board
Pennsylvania School Boards Association
Pennsylvania Association of School Administrators
The Hon. Jane M. Earll, Senate of Pennsylvania
The Hon. Curt Sonney, House of Representatives
The Hon. James J. Rhoades, Chair Senate Education Committee
The Hon. Jess M. Stairs, Chair House Education Committee
File

Orig: 2499



Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

November 28, 2005

Ms. Janet Stotland
Co-Director
Education Law Center
1315 Walnut Street, 4th Floor
Philadelphia, PA 19107-4717

Dear Ms. Stotland:

Thank you for your letter of November 22, 2005 on proposed 22 Pa. Code, Chapter 4 Regulations.

Your letter is considered as official public comment and is being shared with all members of the Board. Pursuant to the provisions of the Regulatory Review Act, copies of your comments are also being provided to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Education Committees.

The regulatory Review Act provides that information on proposed and final regulations be mailed to public commentators at their request. If you would like to receive the final-form of these regulations when they are finalized, please make your request to me in writing at the address printed below.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Jim Buckheit".

Jim Buckheit
Executive Director

cc: Members of the State Board
Senator Rhoades
Senator Musto
Representatives Stairs
Representatives Roebuck
IRRC



Original: 2499

Quality & Fairness in
Pennsylvania's Public Schools

EDUCATION LAW CENTER

CO-DIRECTORS

Janet F. Stotland
Len Rieser

REC'D NOV 28 2005

November 22, 2005

Mr. James Buckheit
Executive Director
State Board of Education
333 Market Street
Harrisburg, PA 17126-0333

RE: Proposed Chapter 4 Regulations and Career Education and Work Academic
Standards Published 11/5/04


Dear Jim:

Enclosed are ELC's comments to these proposed regulations. The Disabilities Law Project, which provides help to children and adults with disabilities, joins in the comments that relate to Vocational-Technical Education and Career and Work Academic Standards. We appreciate this opportunity and would be happy to discuss our comments further with you or with members of the State Board.

ELC is interested in participating in the IRCC meeting at which these regulations will be presented. Could you let me know when that meeting is scheduled?

As always, thanks for all your help.

Very truly yours,


Janet F. Stotland
Co-Director

Cc: Rachel Mann, Esq. (Disabilities Law Project)

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COMMENTS TO PROPOSED AMENDMENTS TO
22 PA CODE CHAPTER 4

The Education Law Center is a non-profit education advocacy organization whose mission is to benefit educationally “at risk” children, including children with disabilities, children of color, English Language Learners, and low-income students. We submit the following comments to proposed 22 PA Code Chapter 4, which was published in the PA Bulletin on November 5, 2005.

Pre-Kindergarten Programs

We recognize that a new version of the provisions of these regulations that relate to pre-kindergarten programs is already working itself through the Early Childhood Committee and the State Board. We have already put ourselves “on record” with respect to the newest proposals, including specific recommended language.

We also note that the newest pre-kindergarten regulations identify “school districts” as responsible for, among other things, developing strategic and assessment plans. The published regulations deliberately introduce the phrase “school entities,” in recognition of the fact that other local education agencies, including charter schools, have these responsibilities. Obviously, this needs to be fixed; the phrase school entities should be used uniformly.

Vocational-Technical Education

ELC staff, together with our colleagues from the Disabilities Law Project, has repeatedly discussed with the Department of Education our concern that students with disabilities in PA do not have full access to vocational-technical education opportunities, including Area Vocational Technical Schools (AVTSs). In some regions, AVTSs are the only options for students seeking technical education. Students denied access to or supports in AVTSs in those regions are deprived of any meaningful vocational education opportunity.

Several years ago ELC and the Disabilities Law Project settled a lawsuit against the PA Department of Education and the Bucks County Area Technical High School. The settlement eliminated what we believe were admission requirements that discriminated against students with significant learning disabilities. The settlement also required the school to set up additional

academic programs to support class members. Implementation of that settlement has gone well, but we have received numerous complaints that other AVTS programs are failing to admit students with significant disabilities; are not providing them with sufficient support in either the academic or technical parts of the program; or are unnecessarily limiting their access to particular vocational options.

This is clearly a statewide problem, and these regulations could take a major step towards a statewide resolution. The following changes are needed to the published regulations to ensure compliance with federal and state law, including §504 of the Rehabilitation Act and the Individual with Disabilities Education Improvement Act. ELC and the Disabilities Law Project propose the following:

§4.13(b): Every AVTS, in conjunction with and with the approval of the majority of its participating school districts, shall develop and file with the Department a strategic plan once every 6 years.... The strategic plan shall incorporate appropriate components of the strategic plan submitted under subsection (a) by participating districts, and shall describe how students with disabilities shall be admitted to and supported in its programs.¹

§4.31(a): Vocational-technical education courses shall be developed in the planned instruction format and shall be accessible to all high school students attending those grades in which vocational technical courses are offered. All students and their parents or guardians shall be informed of the students' rights to participate in vocational-technical programs and their courses, and that students with disabilities are entitled to special supports and accommodations to help them succeed in such programs. Students who complete approved vocational-technical education programs shall have their occupational competency assessed, with accommodations if necessary, by completion of the appropriate assessment under the PA Skills Certificate Program or by completion of another occupational competency assessment approved by the Department. Students shall also demonstrate proficiency in meeting academic standards as required under §4.24(a) (relating to high school graduation requirements) and 4.12(f), 4.24(e)(relating to children with IEPs).

§4.31(c): Vocational-technical education programs shall consist of a series of planned academic and vocational-technical education courses that are articulated with one another so that knowledge and skills are taught in a systematic manner. When appropriate, vocational-technical education programs must adopt, in program areas for which they are available, industry recognized skills standards, and may also include cooperative vocational-technical education and participation

¹ The proposed ELC language is underlined. The remaining text contains the current language and the changes proposed by the State Board.

in vocational student organizations to develop leadership skills. However, vocational-technical education programs shall not use industry recognized skills standards as a basis for excluding a student with a disability from a vocational program on the grounds that he cannot meet those standards if the student can benefit from attending that program with reasonable supports.

§4.33(c): An occupational advisory committee shall be established for each vocational-technical education program or cluster of related programs offered by a school district or AVTS. The Committee shall be appointed by the board of directors, and a majority of the members of the committee shall be employees and employers in the occupation for which training is provided, and at least one member shall be a Special Education Director from one of the school entities served by the AVTs. The Committee shall meet at least twice each year to advise the board, administration and staff on curriculum, equipment, instructional material, safety requirements, program evaluation and other related matters, and how the program can be adapted to meet the needs of students with disabilities....

Career Education and Work Academic Standards

ELC and DLP also have some proposed additions to these Standards. First, we suggest adding the following sentence in the Introduction:

These standards will be used to guide the IEP teams of students with disabilities. However, the standards will not be used as a basis for excluding a student with a disability from an age-appropriate career or vocational education program from which the student, with appropriate supports, can benefit, or for failing a student with a disability who cannot achieve these standards at the same rate as students without disabilities.

Students with disabilities who cannot achieve academically on par with their peers especially need to learn the skills needed to function independently when their school career ends. For many, vocational education is the best route to this end. Many AVTSs have functioned in a separate world, insulated from their obligations to admit and serve these students. These regulatory changes would go a long way toward fixing this important problem.

We respect to the Standards themselves, we make the proposals set out below to address the following concerns: (1) many students must make decisions about applying to Area Vocational Technical Schools by the 8th grade, so the standards should prepare students to make those decisions in a timely manner; (2) all students, including students with disabilities, will benefit from standards that provide them with the skill of self-advocacy in the training and employment context, and with knowledge of the employment provisions of discrimination laws

and the benefits of understanding and accommodating differing abilities and disabilities.

Proposed language is inserted in bold italics below.

XXXVIII. INTRODUCTION

The Academic Standards for Career Education and Work reflect the increasing complexity and sophistication that students experience as they progress through school. Career Education and Work Standards describe what students should know and be able to do at four grade levels (3, 5, 8 and 11) in four areas:

- * 13.1 Career Awareness and Preparation
- * 13.2 Career Acquisition (Getting a Job)
- * 13.3 Career Retention and Advancement
- * 13.4 Entrepreneurship

Pennsylvania's economic future depends on having a well-educated and skilled workforce. No student should leave secondary education without a solid foundation in Career Education and Work. It is the rapidly changing workplace and the demand for continuous learning and innovation on the part of the workers that drive the need to establish academic standards in Career Education and Work.

Through a comprehensive approach, Career Education and Work Standards complement all disciplines and other academic standards. If Pennsylvania's students are to succeed in the workplace, there are certain skills that they need to obtain prior to graduation from high school. These skills have been identified in the Career Education and Work Standards, but it is up to individual school districts to decide how they are to be taught. Districts can implement integration strategies within existing disciplines or can implement stand-alone courses to specifically address these standards.

A glossary is included to assist the reader in understanding terminology contained in the standards.

13.1. Career Awareness and Preparation

13.1.3. GRADE

3

13.1.5. GRADE 5

13.1.8. GRADE 8

13.1.11. GRADE 11

Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:

- | | | | |
|--|---|--|--|
| A. Recognize that individuals have unique interests. | A. Describe the impact of individual interests and abilities on career choices. | A. Relate careers to individual interests, abilities, and aptitudes. | A. Relate careers to individual interests, abilities, and aptitudes. |
| B. Recognize that the roles of individuals at | B. Relate the impact of change to both traditional and nontraditional careers. | B. Explain how both traditional and nontraditional careers | B. Analyze how the changing roles of individuals in the |

home, in the workplace and in the community are constantly changing.

C. Identify the range of jobs available in the community.

C. Describe the range of career training programs in the community such as, but not limited to:

- * ***Area Vocational Technical Schools (AVTS)***
- * Two-and-four year colleges
- * Career and technical centers
- * CareerLinks
- * Community/recreation centers
- * Faith-based organizations
- * Local industry training centers
- * Military
- * Registered apprenticeship
- * Vocational rehabilitation centers
- * Web-based training

D. Describe the work done by school personnel and other individuals in the community.

D. Describe the factors that influence career choices, such as, but not limited to:

- * Geographic location
- * Job description
- * Salaries/benefits
- * Work schedule
- * Working conditions
- * ***Disability Accommodations***

E. Explore how

E. Investigate people's

offer or hinder career opportunities.

C. Explain the relationship of career training programs to employment opportunities.

By the beginning of the 8th grade year, examine the option to attend an AVTS for high school

D. Analyze the economic factors that impact employment opportunities, such as, but not limited to:

- * Competition
- * Geographic location
- * Global influences
- * Job growth
- * Job openings
- * Labor supply
- * Potential advancement
- * Potential earnings
- * Salaries/benefits
- * Unemployment

E. Analyze the

workplace relate to new opportunities within career choices.

C. Evaluate school-based opportunities for career awareness/preparation, such as, but not limited to:

- * Career days
- * Career portfolio
- * Community service
- * Cooperative education
- * Graduation/senior project
- * Internship
- * Job shadowing
- * Part-time employment
- * Registered apprenticeship
- * School-based enterprise

D. Justify the selection of a career.

E. Analyze the

<p>people prepare for careers.</p>	<p>rationale for making career choices.</p>	<p>relationship of school subjects, extracurricular activities and community experiences to career preparation.</p>	<p>relationship between career choices and career preparation opportunities, such as, but not limited to:</p> <ul style="list-style-type: none"> * Associate degree * Baccalaureate degree * Certificate/licensure * Entrepreneurship * Immediate part/full time employment * Industry training * Military training * Professional degree * Registered apprenticeship * Tech Prep * <i>Vocational Rehabilitation Centers</i>
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<p>F. Explain why education and training plans are important to careers.</p>	<p>F. Identify the components of a career plan, such as, but not limited to:</p> <ul style="list-style-type: none"> * Beginnings of career portfolio * Career goals * Individual interests and abilities * Training/education requirements and costs 	<p>F. Create an individualized career plan including, such as, but not limited to:</p> <ul style="list-style-type: none"> * Assessment and continued development of career portfolio * Career goals * Cluster/pathway opportunities * Individual interests and abilities * Training/education requirements and financing * <i>Accommodations required, if any</i> 	<p>F. Assess the implementation of the individualized career plan through the ongoing development of the career portfolio.</p>
--	--	---	--

13.2. Career Acquisition (Getting a Job)

13.2.3. GRADE 3 13.2.5. GRADE 5 13.2.8. GRADE 8 13.2.11. GRADE 11

Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:

A. Identify	A. Apply appropriate	A. Identify effective	A. Apply effective
-------------	----------------------	-----------------------	--------------------

appropriate speaking and listening techniques used in conversation.

B. Discuss resources available in researching job opportunities, such as, but not limited to:
* Internet
* Magazines
* Newspapers

C. Compose a personal letter.

D. Identify the importance of developing a plan for the future.

speaking and listening techniques used in conversation.

B. Identify and review resources available in researching job opportunities, such as, but not limited to:
* Internet
* Magazines
* Newspapers

C. Compose and compare a business and a personal letter.

D. Identify individualized career portfolio components, such as, but not limited to:
* Achievements
* Awards/recognitions
* Career exploration

speaking and listening skills used in a job interview.

B. Evaluate resources available in researching job opportunities, such as, but not limited to:
* CareerLinks
* Internet (i.e. O-NET)
* Networking
* Newspapers
* Professional associations
* Resource books (that is *Occupational Outlook Handbook, PA Career Guide*)

C. Prepare a draft of career acquisition documents, such as, but not limited to:
* Job application
* Letter of appreciation following an interview
* Letter of introduction
* Request for letter of recommendation
* Resume

D. Develop an individualized career portfolio including components, such as, but not limited to:
* Achievements
* Awards/recognitions
* Career exploration

speaking and listening skills used in a job interview.

B. Apply research skills in searching for a job.
* CareerLinks
* Internet (that is O-NET)
* Networking
* Newspapers
* Professional associations
* Resource books (that is *Occupational Outlook Handbook, PA Career Guide*)

C. Develop and assemble, for career portfolio placement, career acquisition documents, such as, but not limited to:
* Job application
* Letter of appreciation following an interview
* Letter of introduction
* Postsecondary education/training applications
* Request for letter of recommendation
* Resume

D. Analyze, revise, and apply an individualized career portfolio to chosen career path.

	<p>results</p> <ul style="list-style-type: none"> * Career plans * Community service involvement/projects * Interests/hobbies * Personal career goals * Selected school work * Self inventories 	<p>results</p> <ul style="list-style-type: none"> * Career plans * Community service involvement/projects * Interests/hobbies * Personal career goals * Selected school work * Self inventories 	
<p>E. Discuss the importance of the essential workplace skills, such as, but not limited to:</p> <ul style="list-style-type: none"> * Dependability * Health/safety * Team building * Technology * <i>Self advocacy (especially with respect to disability accommodations)</i> 	<p>E. Apply to daily activities, the essential workplace skills, such as, but not limited to:</p> <ul style="list-style-type: none"> * Commitment * Communication * Dependability * Health/safety * Personal initiative * Scheduling/time management * Team building * Technical literacy * Technology * <i>Self Advocacy (especially with respect to disability accommodations)</i> 	<p>E. Explain, in the career acquisition process, the importance of the essential workplace skills/knowledge, such as, but not limited to:</p> <ul style="list-style-type: none"> * Commitment * Communication * Dependability * Health/safety * Laws and regulations (that is Child Labor Law, Fair Labor Standards Act, OSHA, Material Safety Data Sheets, <i>Americans with Disabilities Act</i>) * Personal initiative * Scheduling/time management * Team building * Technical literacy * Technology * <i>Self Advocacy</i> 	<p>E. Demonstrate, in the career acquisition process, the application of essential workplace skills/knowledge, such as, but not limited to:</p> <ul style="list-style-type: none"> * Commitment * Communication * Dependability * Health/safety * Laws and regulations (that is Child Labor Law, Fair Labor Standards Act, OSHA, <i>Americans with Disabilities Act</i>, Material Safety Data Sheets) * Personal initiative * Scheduling/time management * Team building * Technical literacy * Technology

13.3. Career Retention and Advancement

13.3.3. GRADE 3 13.3.5. GRADE 5 13.3.8. GRADE 8 13.3.11. GRADE 11

Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:

- | | | | |
|---------------------------|--------------------------------------|---|--|
| A. Identify attitudes and | A. Explain how student attitudes and | A. Determine attitudes and work habits that support | A. Evaluate personal attitudes and work habits |
|---------------------------|--------------------------------------|---|--|

<p>work habits that contribute to success at home and school.</p>	<p>work habits transfer from the home and school to the workplace.</p>	<p>career retention and advancement.</p>	<p>that support career retention and advancement.</p>
<p>B. Identify how to cooperate at both home and school and to identify individuals' strengths and weaknesses</p>	<p>B. Explain the importance of working cooperatively with others at both home and school to complete a task.</p>	<p>B. Analyze the role of each participant's contribution in a team setting.</p>	<p>B. Evaluate team member roles to describe and illustrate active listening techniques: <ul style="list-style-type: none"> * Clarifying * Encouraging * Reflecting * Restating * Summarizing </p>
<p>C. Explain effective group interaction terms, such as, but not limited to: <ul style="list-style-type: none"> * Compliment * Cooperate * Encourage * Participate </p>	<p><i>Explain the importance of accommodating individual strengths and weaknesses, including disabilities, to complete a group task</i></p> <p>C. Identify effective group interaction strategies, such as, but not limited to: <ul style="list-style-type: none"> * Building consensus * Communicating effectively * Establishing ground rules * Listening to others </p>	<p><i>Give examples of accommodating a team member's disability in order to enhance the member's contribution.</i></p> <p>C. Explain and demonstrate conflict resolution skills: <ul style="list-style-type: none"> * Constructive criticism * Group dynamics * Managing/leadership * Mediation * Negotiation * Problem solving </p>	<p><i>Evaluate team member roles in accommodating each other's strengths and weaknesses</i></p> <p>C. Evaluate conflict resolution skills as they relate to the workplace: <ul style="list-style-type: none"> * Constructive criticism * Group dynamics * Managing/leadership * Mediation * Negotiation * Problem solving </p>
<p>D. Explain how money is used.</p>	<p>D. Explain budgeting.</p>	<p>D. Analyze budgets and pay statements, such as, but not limited to: <ul style="list-style-type: none"> * Charitable contributions * Expenses * Gross pay * Net pay * Other income * Savings * Taxes </p>	<p>D. Develop a personal budget based on career choice, such as, but not limited to: <ul style="list-style-type: none"> * Charitable contributions * Fixed/variable expenses * Gross pay * Net pay * Other income * Savings * Taxes </p>
<p>E. Discuss how time is used at both home and</p>	<p>E. Develop a personal schedule based on activities and</p>	<p>E. Identify and apply time management strategies as they relate to both personal</p>	<p>E. Evaluate time management strategies and their application to</p>

school.	responsibilities at both home and school.	responsibilities at both home and school.	both personal and work situations.
F. Identify changes that occur at both home and school.	F. Describe the impact of changes at home, school and work.	F. Identify characteristics of the changing workplace, <i>including ADA accommodations</i> , and explain their impact on jobs and employment.	F. Evaluate strategies for career retention and advancement in response to the changing global workplace.
G. Define and describe the importance of lifelong learning.	G. Describe how personal interests and abilities impact lifelong learning.	G. Identify formal and informal lifelong learning opportunities that support career retention and advancement.	G. Evaluate the impact of lifelong learning on career retention and advancement.

13.4. Entrepreneurship

13.4.3. GRADE 3

13.4.5. GRADE 5

13.4.8. GRADE 8

13.4.11. GRADE 11

Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:

A. Define entrepreneurship.	A. Identify the risks and rewards of entrepreneurship.	A. Compare and contrast entrepreneurship to traditional employment, such as, but not limited to: * Benefits * Job security * Operating costs * Wages	A. Analyze entrepreneurship as it relates to personal career goals and corporate opportunities.
B. Describe the character traits of successful entrepreneurs, such as, but not limited to: * Adaptability * Creative thinking * Ethical behavior * Leadership * Positive attitude * Risk-taking	B. Discuss the entrepreneurial character traits of historical or contemporary entrepreneurs.	B. Evaluate how entrepreneurial character traits influence career opportunities.	B. Analyze entrepreneurship as it relates to personal character traits.
C. Describe age-appropriate entrepreneurial	C. Discuss the steps entrepreneurs take to bring their goods or	C. Identify and describe the basic components of a	C. Develop a business plan for an entrepreneurial concept

opportunities, such as, but not limited to:	services to market, such as, but not limited to:	business plan, such as, but not limited to:	of personal interest and identify available resources, such as, but not limited to:
* Bake sale	* Marketing	* Business idea	* Community Based Organizations (that is chambers of commerce, trade/technical associations, Industrial Resource Centers)
* Crafts	* Production	* Competitive analysis	* Financial institutions
* Lemonade stand	* Research and development	* Daily operations	* School-based career centers
* Pet care	* Selection of goods and services	* Finances/budget	* Small Business Administration services (that is SCORE, Small Business Development Centers, Entrepreneurial Development Centers)
		* Marketing	* Venture capital
		* Productive resources (human, capital, natural)	
		* Sales forecasting	

Academic Standards for Career Education Work

XXXIX. GLOSSARY

<i>Americans with Disabilities Act (ADA)</i>	<i>A federal law that prohibits discrimination against, and requires reasonable accommodations for, individuals with disabilities, including in the workplace.</i>
Aptitudes:	Capacity to learn and understand.
Associate degree:	A postsecondary degree typically earned within a 2-year time frame.
Baccalaureate degree:	A postsecondary degree, also known as a bachelor's degree, typically earned within a 4-year time frame from a college or university.
Benefits:	Something of value that an employee receives in addition to a wage or salary. Examples include health and life insurance, vacation leave, retirement plans, and the like.
Budget:	A financial plan that summarizes anticipated income and expenditures over a period of time.
Business plan:	A prepared document detailing the past, present, and future of an organization.

Other Issues

ELC recommends that the State Board consider some additional changes to Chapter 4. ELC submitted these proposals to the State Board in July, 2004, but they were not included in the proposed regulations:

Recommendation:

§4.4(d) School entities shall adopt policies to assure that parents or guardians have the following: (1) Access to information about the curriculum, including academic standards to be achieved, instructional materials, [and] assessment techniques and performance levels, additional instructional opportunities for students not achieving at the proficient level, high school graduation requirements, strategic plans, and opportunities for classroom participation and observation.

Rationale: The No Child Left Behind Act and the State Board recognize that engaging their parents is crucial to students' success. The more families know about the options available to improve their children's performance, the better the student outcomes. This proposal makes explicit that families should have access to all relevant information covered by the Chapter 4 regulations.

Recommendation:

§4.51(a)(6): Provide results to school entities based upon the aggregate performance of all students, [for students with and IEP and for those without an IEP] disaggregated by gender, major racial and ethnic group, English Proficiency status, migrant status, students requiring IEPs, and by students who are economically disadvantaged, unless the number of such students in a subgroup in a particular school or school entity is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

Rationale: This change would bring this regulation into line with the requirements of NCLB, which requires the disaggregation of achievement data with respect to all of these subgroups – not just students with disabilities.

Recommendation:

§4.13(c)(1): Organization and goals: A description of the school entity's organization and organizational goals and their relationship to differing student needs within the school entity's goals under paragraph (2) and the attainment of academic standards under paragraph (3). Differing student needs may include

needs based on achievement level, learning style, disability, English language proficiency, or ethnicity.

Rationale: This language makes clear the range of factors that must be addressed, and will provide uniformity from one school entity to another.

Recommendation:

§4.13(d): Strategic plans, the 6-year plan, mid-term review report and all other revisions to the plan, shall be developed through active participation by parents, students, school directors, teachers.... Parent representatives shall be chosen by parents; [t]eacher representatives shall be chosen by teachers; educational specialists shall be chosen by educational specialists;

Rationale: Parents, like all of the other constituencies listed, should choose their representatives. No less than any other group, parents must have confidence in those who will represent them in this important task.

Recommendation:

§4.51(e): Students not achieving at the proficient level in the administration of State assessments in grade 11 shall be provided [one additional opportunity] additional opportunities in grade 12 to demonstrate proficient level on State assessments.

Rationale: School entities should have flexibility in determining how frequently students should have the opportunity to show that they have mastered the necessary skills.

Recommendation:

§4.61(a): School profiles developed by the Secretary will include information as required under Federal and State law and information about fiscal support the school entity received from local, state, federal and other sources.

Rationale: This proposal would restore the requirement that information about the fiscal support of the schools should be part of the school profile. This information that is not required by other federal or state law and would therefore not have to be reported to the public. This is an important requirement which should be preserved.

Original: 2499



Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

November 28, 2005

Mr. Timothy Allwein
Assistant Executive Director
Governmental & Member Relations
PA School Boards Association
400 Bent Creek Blvd.
Mechanicsburg, PA 17050

Dear Mr. Allwein:

Thank you for your letter of November 23, 2005 on proposed 22 Pa. Code, Chapter 4, Curriculum Regulations.

Your letter is considered as official public comment and is being shared with all members of the Board. Pursuant to the provisions of the Regulatory Review Act, copies of your comments are also being provided to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Education Committees.

The regulatory Review Act provides that information on proposed and final regulations be mailed to public commentators at their request. If you would like to receive the final-form of these regulations when they are finalized, please make your request to me in writing at the address printed below.

Sincerely yours,

A handwritten signature in black ink that reads "Jim Buckheit".

Jim Buckheit
Executive Director

cc: Members of the State Board
Senator Rhoades
Senator Musto
Representatives Stairs
Representatives Roebuck
IRRC



RECEIVED
NOV 28 2005
REVIEW COMMISSION

Nov. 23, 2005

Jim Buckheit, Executive Director
State Board of Education
333 Market Street
Harrisburg, PA 17126-0333

Dear Mr. Buckheit:

The Pennsylvania School Boards Association would like to take this opportunity to comment on proposed 22 Pa. Code, Chapter 4, regarding pupil attendance, as revised by the State Board of Education and published in the Nov. 5, 2005 issue of the *Pennsylvania Bulletin*.

PSBA supports the efforts of the board to revise various sections of Chapter 4, particularly as school districts are working hard to mesh the provisions of these regulations with the requirements of the federal No Child Left Behind Act. Since these regulations became effective in 1999, many changes have occurred through the enactment of NCLB coupled with Pennsylvania's plan and practice for implementation of the law. This is an opportunity for the State Board to strengthen and clarify issues that have a profound impact on schools and students.

We have generally supported these changes with some exceptions to various sections, and our comments here reflect these concerns. At this time, we would like to address the following issues:

Inconsistencies between this draft of Chapter 4 revisions with PDE's early childhood education package— Since this proposal was written prior to the introduction of the Department of Education's proposed early childhood education package, some of the language in this draft is inconsistent with that package. As you are likely already well aware of these inconsistencies, we mention them here only for the record. First, in **Section 4.3 (i)**, the definition of pre-kindergarten is different from the definition suggested as part of the Chapter 4 changes with early childhood. Next, language in **Section 4.21** on elementary education states that the primary program may include pre-kindergarten. In contrast, the early childhood package proposes the creation of a new **Section 4.20** that deals exclusively with pre-kindergarten education. **Section 4.13 (12)** calls for parent and community participation in the strategic planning process with language that is different from the same sub-section as part of the early childhood package. The early childhood package also adds a subsection (17) and makes changes to **4.13 (d)** regarding the composition of the strategic planning committee that is different from the other package.

Section 4.4 Opt-Out Policy – Language under 4.4 (5) that gives parents the right to have their children excused from the state assessment if they believe it conflicts with their religious beliefs places Pennsylvania and school districts at odds with a requirement under NCLB for all students

to participate in the state assessment. The state Accountability Workbook for compliance with NCLB says that these students do count toward the participation rate for determining Adequate Yearly Progress. In practice, these students also are given a score of “Below Basic” on the assessments, even though they did not take them. This false reporting hurts the student, the school and the school district. While PSBA is not opposed to the opt-out policy, the association believes the Department of Education should take steps to have these students excused from the participation rate. Although we realize that the best way to accomplish this is by amending NCLB, which is beyond the ability of the State Board or PDE, the department could request an amendment to the Accountability Workbook seeking an allowance for Pennsylvania students. **PSBA urges the State Board to pursue this issue by formally requesting PDE to seek such an amendment.**

Section 4.13 Strategic Planning – The State Board has proposed various substantive changes to this section. PSBA would like to offer comments on these specific provisions:

4.13 (a) – The proposal calls for school districts to update their strategic plans “as necessary each year” in addition to the requirement to develop a plan once every six years and review/revise it at the mid-point. The addition of this new requirement is redundant, as districts already have the “ability to conduct a continuous strategic planning process” as stated in subsection (c). Districts need time to properly evaluate the elements of their plans, and should not be required to update their plans annually. The existing language in subsection (c) provides flexibility for those districts that decide to revise their strategic plans more often than the six-year/mid-point review cycle. The addition of the phrase “as necessary each year” seems to suggest that districts may or will be expected to revise their plans annually. **PSBA requests that the language in (a) calling for an annual review be deleted in order to prevent confusion or misinterpretation of the regulations.**

4.13 (c) – This comprehensive subsection contains the provisions for the heart of the strategic planning process, the focus for the plans and a listing of 16 elements that the plans must include. While we are generally supportive of the language, we offer the following comments.

PSBA has two concerns with the proposed addition in (c) of the following sentence: “Each plan, as received and filed by the Department, becomes an extension of this chapter uniquely adapted to each school entity and can only be changed by the strategic planning committee approved by the local school board.”

First, what does it mean for a strategic plan to become an extension of Chapter 4? What is the purpose/impact of this language on school districts? Would a strategic plan then fall under the jurisdiction of the Department of Education? Second, the latter part of the sentence states that the plan can only be changed by the strategic planning committee approved by the local school board. It is unrealistic to assume that the original membership of a planning committee will not change over a six-year period. People come and go for many reasons, and those vacancies are filled as necessary.

Of more critical concern is the implication that only the committee can change the plan. The role of the strategic planning committee is to develop a proposed plan to the school board, not to revise or to approve the document. As it is clearly stated in subsection (e), only the school board has the authority to approve the strategic plan, and it is not required to accept the recommendations of the committee in their entirety. If the board alters a proposed plan, it must try to reach the greatest possible consensus, but the final decision rests with the board. The school board is the governing body of the school district, and has the best understanding of the needs and resources available. Therefore, if the board wishes to change the plan, it clearly has the authority to do so without the permission of the committee.

With these two concerns in mind, PSBA urges the State Board to delete this entire sentence under subsection (c).

Also under the subsection is the listing of the 16 elements that must be addressed in a strategic plan. Clearly, the focus is for districts to create and implement rigorous efforts to raise and maintain student and school achievement that reflects the goals under the No Child Left Behind Act. These 16 elements will require school boards and strategic planning committees to conduct thoughtful, meaningful deliberations as they develop their plans. Some of the elements appear to be very similar, such as “(2) Results for students,” (4) Measurable annual improvement targets,” and “(14) Milestones of progress.” Perhaps some of these elements could be combined/blended as a means of helping boards and strategic planning committees to consider such concepts as a whole. PSBA supports the continuation of language that allows school boards to have final approval of their plans and requires them to file their plans with the department.

In addition, PSBA believes additional clarification is needed to element “(16) Coordination with other programs.” Under this element, districts must describe how they “will accomplish coordination” with before and after school programs and services for all grade levels. The services and programs include child care, after school programs, youth workforce development programs and tutoring. This language is awkward and vague. What does “accomplish coordination” mean? Coordination with what – transportation, staffing, curriculum? What would be the specific responsibilities of the school district?

Finally, we note in subsection (d) the addition of specific groups of teachers and educational specialists on the strategic planning committee. Currently, teachers are included in the committee, along with parents, students, school directors, school administrators, other school personnel and business and community representatives. There is no specific requirement for representation of these other groups of participants, and we question why there is a need to do so regarding teachers. The 16 elements that must be addressed in a strategic plan will require the committee and the school board to address the needs of students and employees at the elementary, middle and high school levels. PSBA recommends that the existing language be retained with only the addition of educational specialists, who may bring a specific expertise to the committee.

Section 4.24 High School Graduation – We support continuation of existing language that allows school entities to specify requirements for high school graduation, particularly provisions that allow students to achieve proficiency on either the state assessment or a local assessment in order to graduate. This section clarifies the State Board’s policy of not requiring the use of the PSSA as a high school exit exam. As a technical matter, the board may consider deleting the phrase “Beginning in the 2002-2003 school year” since we are now in the 2005-2006 school year.

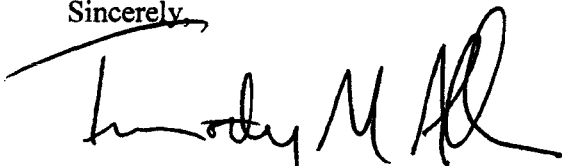
Section 4.25 Languages – We support the board’s decision to maintain the existing requirement for school districts to provide planned instruction in at least two languages, with no mandate in the proposal for students to take such courses. While we agree with the requirement for schools to offer such instruction, and support the development of world language standards, we also believe that these courses should be taken by students who wish to take them and not be part of a mandated curriculum. The board’s decision to maintain the existing requirement does not in any way diminish the importance of world language programs. Rather, it provides continued flexibility for students and ensures that opportunities to learn another language will be provided in public schools.

Section 4.51 State Assessment System – The changes to this section have been made to acknowledge and incorporate the administration of the state assessment system to comply with requirement of the No Child Left Behind Act. However, the subject testing at specific grade levels is inconsistent with actual practice and should be updated. For example, in **4.51 (b)** the proposal states that reading and math assessments will be given in grades 5, 8 and 11, and that writing tests will be administered in grades 6, 9 and 11. Likewise, in **4.51 (d)** it again states that writing tests will be given in grades 6, 9 and 11; additionally it states that the science assessment will be administered in grades 4, 7 and 10. As you know, in practice the reading and math tests will be given in grades 3, 4, 5, 6, 7, 8 and 11 in 2006. The writing assessment is given in grades 5, 8 and 11. The Department of Education has issued assessment anchors for the science assessment for grades 4, 8 and 11. **PSBA recommends that the grades levels be revised to reflect actual current practice.**

Section 4.52 Local Assessment System – PSBA has serious concerns with the language that is proposed for this section. **The association has joined with other education organizations to issue a statement that details the reasons for our opposition to the language, and to urge the State Board to delete subsections (2), (3) and (4).** As proposed, Section 4.52 focuses on the use of local assessments versus the PSSA as a high school graduation requirement. Through the requirements and procedures outlined in the proposal, the regulations create a strong disincentive for school districts and AVTSs to use a local assessment as a graduation requirement, even though they are allowed under to do so under Section 4.24 (relating to graduation requirements) and may conflict with provisions under Section 4.4 (permitting parents to have their child excused from state assessments). A copy of the joint statement is enclosed.

We appreciate the opportunity to review and comment on the proposed amendments to Chapter 4, and we would welcome the opportunity to continue discussion regarding the issues addressed in this letter.

Sincerely,



Timothy M. Allwein
Assistant Executive Director
Governmental and Member Relations

cc: Members, Senate Education Committee
Members, House Education Committee
Kim Kaufman, Independent Regulatory Review Commission

Original: 2499



Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

November 28, 2005

Mr. Timothy Allwein
Assistant Executive Director
Governmental & Member Relations
PA School Boards Association
400 Bent Creek Blvd.
Mechanicsburg, PA 17050

Dear Mr. Allwein:

Thank you for your joint statement letter of November 23, 2005 from the PA School Boards Association, PA Association of School Administrators, American Federation of Teachers, PA Association of Vocational Administrators, and the PA State Education Association on proposed 22 Pa. Code, Chapter 4, academic standards and assessments.

Your letter is considered as official public comment and is being shared with all members of the Board. Pursuant to the provisions of the Regulatory Review Act, copies of your comments are also being provided to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Education Committees.

The regulatory Review Act provides that information on proposed and final regulations be mailed to public commentators at their request. If you would like to receive the final-form of these regulations when they are finalized, please make your request to me in writing at the address printed below.

Sincerely yours,

A handwritten signature in black ink that reads "Jim Buckheit".

Jim Buckheit
Executive Director

cc: Members of the State Board
Senator Rhoades
Senator Musto
Representatives Stairs
Representatives Roebuck
IRRC

Original: 2499



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REGULATORY
November 23, 2005

REC'D NOV 28 2005

Mr. Jim Buckheit
Executive Director
State Board of Education
333 Market Street, First Floor
Harrisburg, PA 17126-0333

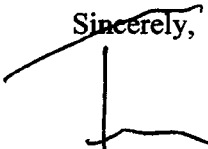
Dear Mr. Buckheit: Jim

On behalf of the Pennsylvania Association of School Administrators, Pennsylvania State Education Association, American Federation of Teachers, Pennsylvania Association of Vocational Administrators, and the Pennsylvania School Boards Association, I am enclosing a joint statement in opposition to proposed revisions to Section 4.52 of the regulations under Title 22, Chapter 4, regarding academic standards and assessments. The entire draft of revisions was published in the Nov. 5, 2005 issue of the *Pennsylvania Bulletin*.

We are strongly opposed to the revision of Section 4.52, subsections (2), (3) and (4) and ask that you seek removal of this language. This language allows schools to use a local assessment as a graduation requirement, but does so in a way that creates numerous barriers and disincentives. Effectively, the proposal is just one step away from establishing the state assessment as an exit exam.

We offer these comments to you as the proposal moves through the regulatory review process. Each of our organizations stands ready to meet with you or to testify on this matter.

Sincerely,


Timothy M. Allwein
Assistant Executive Director
Governmental and Member Relations

cc: Members, Senate Education Committee
Members, House Education Committee
Karl Girton, State Board of Education
Kim Kaufman, Independent Regulatory Review Commission

**Joint statement from PASA, PSEA, AFT Pa, PAVA and PSBA
in opposition to proposed changes to Title 22, Chapter 4, Section 4.52**

The Pennsylvania Association of School Administrators, Pennsylvania State Education Association, American Federation of Teachers, Pennsylvania Association of Vocational Administrators and the Pennsylvania School Boards Association have joined together to oppose proposed changes to Section 4.52 of the regulations under Title 22, Chapter 4 (Standards and Assessment). The State Board of Education announced its intention to adopt the proposal on June 30, 2005. It was added to the previously adopted (July 2004) draft of proposed revisions to the entire Chapter 4.

Currently, Section 4.52 requires school districts and area vocational technical schools to create a local assessment system. Local assessments must be aligned with the state academic standards and be used to determine the degree to which students are achieving the standards. The local assessment system must be designed to include a variety of assessment strategies that may include tests, written work, scientific experiments, works of art, musical or theatrical performances, and other demonstrations or projects by students. The results of these assessments are used to help identify students who need assistance in attaining the academic standards and also to improve curriculum and instructional practices of the school. Our organizations support the use and purpose of the local assessment system in its current form because it allows schools and teachers to obtain a more complete picture of a student's knowledge, skills and talents in academic areas. An assessment system does not put high stakes reliance on just one test, but instead uses a variety of tests and other strategies to measure academic progress.

As proposed, Section 4.52 focuses on the use of local assessments versus the PSSA as a high school graduation requirement. In effect, the proposed language would create a presumption that a single PSSA test is a better assessment than the local school districts' multi-year, in-depth analysis that is based on many tests and projects over the course of the students' education. It also would authorize the secretary of education to force the local districts to make their local assessment results mirror the PSSA results. Thus, through the requirements and procedures outlined in the proposal, the regulations create a strong disincentive for school districts and AVTSSs to use a local assessment as a graduation requirement, even though they are allowed to do so under Section 4.24 (relating to graduation requirements). Furthermore, this may conflict with Section 4.4's provisions permitting parents to opt their child from state assessments.

The new language under Section 4.52 would still allow school entities to use either the PSSA or a local assessment as a graduation requirement. However, the proficient level on the local assessment must be comparable to the proficient level on the PSSA, and the Department of Education would determine whether a school entity has met that requirement.

School entities that choose to use a local assessment instead of the PSSA as a graduation requirement would be required to submit an annual report to PDE “on a form and in a manner determined by the department” certifying the alignment between the local assessment and the PSSA. The school also would have to provide data specified by PDE to support the certification. If more students achieve proficiency on the local assessment than the PSSA, the PDE will infer that the local assessment is not aligned with the PSSA or the PSSA’s meaning of proficient.

A school entity whose certification is rejected by PDE would then be required to use the PSSA as a graduation requirement until PDE determines that the local assessment meets the requirement to be aligned with the PSSA.

If the annual report and certification are not submitted as required, or if the secretary “is not satisfied with the form or accuracy of the report,” the secretary will withhold funding “until such time as the secretary is satisfied that the school entity is in compliance with this chapter.”

We oppose these proposed changes to Section 4.52, subsections (2), (3) and (4) because the language is vague, subjective, punitive and counterproductive. Although the proposal still permits schools to use a local assessment system as a graduation requirement, the hoops that they must continually jump through to do so – and the pressure for the local assessment to mirror the state exam – make this flexibility a sham. **This proposal is one step away from establishing the PSSA as Pennsylvania’s mandatory high school exit exam.** There are many concerns and questions that we raise about the proposal. Among them:

1. Graduation requirements should remain a local determination, with the understanding that schools must establish clear expectations, and require rigorous instruction and assessment of students in accordance with the academic standards and provisions of Chapter 4.
2. The alignment between local assessments and the academic standards should be the key issue, rather than the alignment of local assessments and the PSSA.
3. The sole use of the PSSA provides a single snapshot of a student’s knowledge of the standards. The use of a variety of assessment strategies is a holistic approach that more accurately measures a student’s abilities. Think of it as looking at one photo of a student versus an entire photo album – which one will show you more?
4. The proposed language creates a conflict with provisions of Section 4.4 that allow parents to have their child excused from taking the PSSA. If a parent properly requests excusal, the school must grant it. If the PSSA is forced upon a district or AVTS as a graduation requirement, would such a student be unable to graduate?
5. How will “comparability” between the PSSA and local assessments be measured by the state, particularly if a combination of assessment strategies is used? How will the Department of Education compare the results of PSSAs in reading, math and writing taken in 11th grade with local assessments given in 12th grade?

6. What percentage of students will be used by the state to determine whether "significant numbers" achieve proficiency on a local assessment versus the PSSA?
7. Why is there an automatic inference that if the Department of Education determines that such "significant numbers" exist, that something is wrong with the local assessment? If local assessments must be aligned with the state standards, and students demonstrate proficiency on local assessments, isn't the goal being met? Why is it assumed that the PSSA is the only correct way to measure achievement of the standards? The PSSA cut scores have not been externally validated. A close reading of the report conducted by the Human Resources Research Organization (HumRRO) suggests that the 11th grade proficiency levels were high. HumRRO's comparisons of student performance on the PSSAs and SATs indicate that a large percentage of students who score basic on the PSSA achieve SAT scores that will gain them admission to college. Is it reasonable to deny students diplomas based on PSSA performance levels that may turn out to be poor predictors of subsequent performance?

At the behest of the Pennsylvania State Board of Education, HumRRO investigated the relationship between 11th grade PSSA Math and Reading scores and other measures of educational achievement. In order to do this the investigators obtained data from three public research universities in Pennsylvania. The HumRRO researchers were able to match student records of PSSA test scores, their performance on their university's Math and English proficiency exams, and their course grades in their first college English and Math courses.

No one disagrees that performance on the PSSA is positively related to performance on other proficiency tests. The two most interesting findings of latest HumRRO study of the PSSAs are: 1) Both the PSSAs and university proficiency exams were "weak", or in a few cases "moderate" predictors of student grades in their first college Math or English course. 2) Approximately 60% of the students who scored "basic" or "below basic" on the PSSA enrolled in college level Math or English courses in the same subject they had "failed" on the PSSA. Both these results raise questions regarding the external validity of the PSSA cut scores. Consequently, this suggests that proposed revisions to Chapter 4, section 4.52 may result in the denial of high school diplomas to thousands of Pennsylvania's students who would have enrolled in college level (nonremedial) courses in the same subjects they had "failed" on the PSSA.

8. If local assessments had been required to replicate PSSA results in 2003-04, the following percentages of Black, IEP and LEP students would have been unable to graduate because they did not reach Proficient:

	Math	Reading
Black	82%	72%
IEP	89%	86%
LEP	71%	82%

This would be a particularly cruel development for students who demonstrate on the local assessments that they have reached the Proficient level on Pennsylvania's academic standards, given the serious questions that have been raised about the process used to set the PSSA cut scores, as well as the questions that have been raised nationally regarding bias against minority groups in standardized testing generally.

9. What kind of timelines will be established for school entities to prepare and submit an annual report? What kind of documentation and data must the district or AVTS provide to show that it is meeting state requirements? What kind of timelines will be established for the Department of Education to respond? What guidelines will the department use to determine whether it will approve or reject a school's report?
10. Why do school entities have to file reports and certifying data every year? This creates a burdensome administrative requirement that seems to have no purpose other than to act as a disincentive to use a local assessment.
11. The proposal does not allow for any type of appeal process if the Department of Education rejects a school's annual report.
12. The proposal also does not call for the Department of Education to provide any technical assistance to school districts and AVTSs to help them develop their local assessments in a way that meets the state requirements. If the department were to offer assistance to those schools that request help, it would not become necessary to force schools to use the PSSA as a graduation requirement as the only alternative.
13. Rather than providing for a process of assistance to help schools, the regulations instead authorize the secretary of education to withhold their funding. Again, there is no appeal process. How long will the funding be withheld? How will the loss of state funds help schools enhance their instruction and assessment plans to meet the requirements of this regulation?

Our organizations believe that it is important for students to graduate with a knowledge and understanding of the state's academic standards. The development and use of state standards allow for a uniform, but not identical, guide for schools to prepare students for college or the workplace. State initiatives such as PAGE 1, Project 720, dual enrollment, improvements to career and technical centers, and others enhance local efforts. We agree that the use of the PSSA is an important component in measuring student achievement. However, we do not agree that achievement can only be correctly measured in one way, through the PSSA. If students can consistently demonstrate an understanding of the state academic standards through a local assessment system, they should be permitted to graduate.

We urge you to consider these issues and questions as you review this proposal. We ask that you seek changes to this proposal to delete subsections (2), (3) and (4) of Section 4.52.

We would be pleased to meet with you to discuss our comments.

Stinson Stroup,
Executive Director
PASA
717-540-4448

Timothy Allwein,
Assistant Executive Director
PSBA
717-506-2450, ext. 3325

Ted Kirsch,
President
John Tarka,
Executive Vice President
AFT Pa
215-587-6770 (Kirsch)
412-431-5900 (Tarka)

James Weaver,
President
PSEA
717-255-7000

Jacqueline Cullen,
Executive Director
PAVA
717-761-3381

Original: 2499



200523-5 11/3/05

REVIEW COMMISSION

Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

December 1, 2005

Mr. Eric C. Eshback
Superintendent
Upper Adams School District
161 North Main Street, P.O. Box 847
Biglerville, PA 17307

Ms. Mary Paxton
Supervisor of Curriculum
Upper Adams School District
161 North Main Street, P.O. Box 847
Biglerville, PA 17307

Dear Mr. Eshback and Ms. Paxton:

Thank you for your letter of November 23, 2005 on proposed 22 Pa. Code, Chapter 4, academic standards and assessments.

Your letter is considered as official public comment and is being shared with all members of the Board. Pursuant to the provisions of the Regulatory Review Act, copies of your comments are also being provided to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Education Committees.

The regulatory Review Act provides that information on proposed and final regulations be mailed to public commentators at their request. If you would like to receive the final-form of these regulations when they are finalized, please make your request to me in writing at the address printed below.

Sincerely yours,

A handwritten signature in cursive script that reads "Jim Buckheit".

Jim Buckheit
Executive Director

cc: Members of the State Board
Senator Rhoades
Senator Musto
Representatives Stairs
Representatives Roebuck
IRRC

Original: 2499



UPPER ADAMS SCHOOL DISTRICT

161 NORTH MAIN STREET, P.O. BOX 847
BIGLERVILLE, PENNSYLVANIA 17307
PHONE (717) 677-7191
FAX (717) 677-9807

ofc



BRAD M. HOLLABAUGH
SCHOOL BOARD PRESIDENT

ERIC C. ESHBACH
SUPERINTENDENT

November 23, 2005

REC'D NOV 30 2005

Mr. Jim Buckheit
Executive Director
State Board of Education
333 Market Street
Harrisburg, PA 17126-0333

Mr. Buckheit:

The purpose of this letter is to provide comments from our school district on the revisions to Chapter 4 regulations that were published on November 7, 2005. These comments are specifically based on proposed changes to § 4.52 (c).

Proposed changes to this section include a narrowed set of options for local assessments. Other than the option of portfolio assessment, districts are restricted in the number of opportunities that can be offered to students. The terms *nationally recognized standardized* and *locally developed standardized assessment* imply that students will have only one opportunity to participate in a retest. To base the ability of students to successfully complete a secondary education based on scores that represent only a single snapshot of student performance and ability is doing a disservice to students who have varying needs. This type of evaluation clearly places ESL and Special Education students at a distinct disadvantage.

Further, the implication that having a graduation rate that is higher than the number of students who scored proficient on the 11th grade PSSA signals that districts are doing something wrong flies in the face of the belief that schools should view students as individuals. We contend that it instead signals districts are doing many things right. Public schools are obligated to provide an appropriate education to all students. That includes differentiating instruction and assessment in ways that support learning and scaffold student success. Rather than encouraging schools to utilize strategies to keep students from dropping out of high school, focusing on "once and done" assessment choices creates an atmosphere where students may give up on graduating and schools may give up on preventing that from happening. In short, we believe this proposal will lead to increased drop-out rates. Evidence from other states point to the ineffectiveness of a graduation test.

"A Unified Community of Lifelong Learning"

We would instead encourage the Board to continue to allow districts the local control to educate all students in the way that meets their need and to identify and utilize the high quality methods of certifying that students have met the requirements of the graduation plan that are part of each district's Board Policy. A district should be required to verify that the local assessment identified in their strategic plan is comparable to the State assessment and that it is being administered correctly and consistently. If able to do so, their efforts to increase the number of students who were not successful on the PSSA but were remediated and supported by their local school so that they were able to meet criteria for graduation, should be lauded, not considered suspect. Helping students be successful and meet their full potential is certainly the true intent of No Child Left Behind. Efforts of districts attempting to meet this intent should be viewed as a standard of practice rather than a symptom of non-compliance.

We urge the Board to reconsider the negative correlation drawn between non-proficiency on the 11th grade PSSA and the ability to improve and be successful in obtaining high school graduation as evidenced by the wording of the revision.

Sincerely,



Eric C. Eshbach,
Superintendent,
Upper Adams School District



Mary Paxton,
Supervisor of Curriculum, Instruction and Assessment
Upper Adams School District



NOV 23 2005
11:47 AM
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GENERAL DELIVERY

November 23, 2005

Mr. Kim Kaufman
Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Dear Mr. Kaufman:

On behalf of the Pennsylvania Association of School Administrators, Pennsylvania State Education Association, American Federation of Teachers, Pennsylvania Association of Vocational Administrators, and the Pennsylvania School Boards Association, I am enclosing a joint statement in opposition to proposed revisions to Section 4.52 of the regulations under Title 22, Chapter 4, regarding academic standards and assessments. The entire draft of revisions was published in the Nov. 5, 2005 issue of the *Pennsylvania Bulletin*.

We are strongly opposed to the revision of Section 4.52, subsections (2), (3) and (4) and ask that you seek removal of this language. This language allows schools to use a local assessment as a graduation requirement, but does so in a way that creates numerous barriers and disincentives. Effectively, the proposal is just one step away from establishing the state assessment as an exit exam.

We offer these comments to you as the proposal moves through the regulatory review process. Each of our organizations stands ready to meet with you or to testify on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Timothy M. Allwein', is written over a horizontal line.

Timothy M. Allwein
Assistant Executive Director
Governmental and Member Relations

cc: Members, Senate Education Committee
Members, House Education Committee
Karl Girton, State Board of Education
Jim Buckheit, State Board of Education



Pennsylvania School Boards Association

2005 NOV 25 AM 9:47

RECEIVED
REVIEW COMMISSION

Nov. 23, 2005

Jim Buckheit, Executive Director
State Board of Education
333 Market Street
Harrisburg, PA 17126-0333

Dear Mr. Buckheit:

The Pennsylvania School Boards Association would like to take this opportunity to comment on proposed 22 Pa. Code, Chapter 4, regarding pupil attendance, as revised by the State Board of Education and published in the Nov. 5, 2005 issue of the *Pennsylvania Bulletin*.

PSBA supports the efforts of the board to revise various sections of Chapter 4, particularly as school districts are working hard to mesh the provisions of these regulations with the requirements of the federal No Child Left Behind Act. Since these regulations became effective in 1999, many changes have occurred through the enactment of NCLB coupled with Pennsylvania's plan and practice for implementation of the law. This is an opportunity for the State Board to strengthen and clarify issues that have a profound impact on schools and students.

We have generally supported these changes with some exceptions to various sections, and our comments here reflect these concerns. At this time, we would like to address the following issues:

Inconsistencies between this draft of Chapter 4 revisions with PDE's early childhood education package— Since this proposal was written prior to the introduction of the Department of Education's proposed early childhood education package, some of the language in this draft is inconsistent with that package. As you are likely already well aware of these inconsistencies, we mention them here only for the record. First, in **Section 4.3 (i)**, the definition of pre-kindergarten is different from the definition suggested as part of the Chapter 4 changes with early childhood. Next, language in **Section 4.21** on elementary education states that the primary program may include pre-kindergarten. In contrast, the early childhood package proposes the creation of a new **Section 4.20** that deals exclusively with pre-kindergarten education. **Section 4.13 (12)** calls for parent and community participation in the strategic planning process with language that is different from the same sub-section as part of the early childhood package. The early childhood package also adds a subsection (17) and makes changes to **4.13 (d)** regarding the composition of the strategic planning committee that is different from the other package.

Section 4.4 Opt-Out Policy – Language under 4.4 (5) that gives parents the right to have their children excused from the state assessment if they believe it conflicts with their religious beliefs places Pennsylvania and school districts at odds with a requirement under NCLB for all students

to participate in the state assessment. The state Accountability Workbook for compliance with NCLB says that these students do count toward the participation rate for determining Adequate Yearly Progress. In practice, these students also are given a score of "Below Basic" on the assessments, even though they did not take them. This false reporting hurts the student, the school and the school district. While PSBA is not opposed to the opt-out policy, the association believes the Department of Education should take steps to have these students excused from the participation rate. Although we realize that the best way to accomplish this is by amending NCLB, which is beyond the ability of the State Board or PDE, the department could request an amendment to the Accountability Workbook seeking an allowance for Pennsylvania students. **PSBA urges the State Board to pursue this issue by formally requesting PDE to seek such an amendment.**

Section 4.13 Strategic Planning – The State Board has proposed various substantive changes to this section. PSBA would like to offer comments on these specific provisions:

4.13 (a) – The proposal calls for school districts to update their strategic plans "as necessary each year" in addition to the requirement to develop a plan once every six years and review/revise it at the mid-point. The addition of this new requirement is redundant, as districts already have the "ability to conduct a continuous strategic planning process" as stated in subsection (c). Districts need time to properly evaluate the elements of their plans, and should not be required to update their plans annually. The existing language in subsection (c) provides flexibility for those districts that decide to revise their strategic plans more often than the six-year/mid-point review cycle. The addition of the phrase "as necessary each year" seems to suggest that districts may or will be expected to revise their plans annually. **PSBA requests that the language in (a) calling for an annual review be deleted in order to prevent confusion or misinterpretation of the regulations.**

4.13 (c) – This comprehensive subsection contains the provisions for the heart of the strategic planning process, the focus for the plans and a listing of 16 elements that the plans must include. While we are generally supportive of the language, we offer the following comments.

PSBA has two concerns with the proposed addition in (c) of the following sentence: "Each plan, as received and filed by the Department, becomes an extension of this chapter uniquely adapted to each school entity and can only be changed by the strategic planning committee approved by the local school board."

First, what does it mean for a strategic plan to become an extension of Chapter 4? What is the purpose/impact of this language on school districts? Would a strategic plan then fall under the jurisdiction of the Department of Education? Second, the latter part of the sentence states that the plan can only be changed by the strategic planning committee approved by the local school board. It is unrealistic to assume that the original membership of a planning committee will not change over a six-year period. People come and go for many reasons, and those vacancies are filled as necessary.

Of more critical concern is the implication that only the committee can change the plan. The role of the strategic planning committee is to develop a proposed plan to the school board, not to revise or to approve the document. As it is clearly stated in subsection (e), only the school board has the authority to approve the strategic plan, and it is not required to accept the recommendations of the committee in their entirety. If the board alters a proposed plan, it must try to reach the greatest possible consensus, but the final decision rests with the board. The school board is the governing body of the school district, and has the best understanding of the needs and resources available. Therefore, if the board wishes to change the plan, it clearly has the authority to do so without the permission of the committee.

With these two concerns in mind, PSBA urges the State Board to delete this entire sentence under subsection (c).

Also under the subsection is the listing of the 16 elements that must be addressed in a strategic plan. Clearly, the focus is for districts to create and implement rigorous efforts to raise and maintain student and school achievement that reflects the goals under the No Child Left Behind Act. These 16 elements will require school boards and strategic planning committees to conduct thoughtful, meaningful deliberations as they develop their plans. Some of the elements appear to be very similar, such as “(2) Results for students,” (4) Measurable annual improvement targets,” and “(14) Milestones of progress.” Perhaps some of these elements could be combined/blended as a means of helping boards and strategic planning committees to consider such concepts as a whole. PSBA supports the continuation of language that allows school boards to have final approval of their plans and requires them to file their plans with the department.

In addition, PSBA believes additional clarification is needed to element “(16) Coordination with other programs.” Under this element, districts must describe how they “will accomplish coordination” with before and after school programs and services for all grade levels. The services and programs include child care, after school programs, youth workforce development programs and tutoring. This language is awkward and vague. What does “accomplish coordination” mean? Coordination with what – transportation, staffing, curriculum? What would be the specific responsibilities of the school district?

Finally, we note in subsection (d) the addition of specific groups of teachers and educational specialists on the strategic planning committee. Currently, teachers are included in the committee, along with parents, students, school directors, school administrators, other school personnel and business and community representatives. There is no specific requirement for representation of these other groups of participants, and we question why there is a need to do so regarding teachers. The 16 elements that must be addressed in a strategic plan will require the committee and the school board to address the needs of students and employees at the elementary, middle and high school levels. PSBA recommends that the existing language be retained with only the addition of educational specialists, who may bring a specific expertise to the committee.

Section 4.24 High School Graduation – We support continuation of existing language that allows school entities to specify requirements for high school graduation, particularly provisions that allow students to achieve proficiency on either the state assessment or a local assessment in order to graduate. This section clarifies the State Board’s policy of not requiring the use of the PSSA as a high school exit exam. As a technical matter, the board may consider deleting the phrase “Beginning in the 2002-2003 school year” since we are now in the 2005-2006 school year.

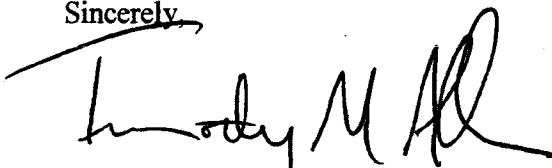
Section 4.25 Languages – We support the board’s decision to maintain the existing requirement for school districts to provide planned instruction in at least two languages, with no mandate in the proposal for students to take such courses. While we agree with the requirement for schools to offer such instruction, and support the development of world language standards, we also believe that these courses should be taken by students who wish to take them and not be part of a mandated curriculum. The board’s decision to maintain the existing requirement does not in any way diminish the importance of world language programs. Rather, it provides continued flexibility for students and ensures that opportunities to learn another language will be provided in public schools.

Section 4.51 State Assessment System – The changes to this section have been made to acknowledge and incorporate the administration of the state assessment system to comply with requirement of the No Child Left Behind Act. However, the subject testing at specific grade levels is inconsistent with actual practice and should be updated. For example, in **4.51 (b)** the proposal states that reading and math assessments will be given in grades 5, 8 and 11, and that writing tests will be administered in grades 6, 9 and 11. Likewise, in **4.51 (d)** it again states that writing tests will be given in grades 6, 9 and 11; additionally it states that the science assessment will be administered in grades 4, 7 and 10. As you know, in practice the reading and math tests will be given in grades 3, 4, 5, 6, 7, 8 and 11 in 2006. The writing assessment is given in grades 5, 8 and 11. The Department of Education has issued assessment anchors for the science assessment for grades 4, 8 and 11. **PSBA recommends that the grades levels be revised to reflect actual current practice.**

Section 4.52 Local Assessment System – PSBA has serious concerns with the language that is proposed for this section. **The association has joined with other education organizations to issue a statement that details the reasons for our opposition to the language, and to urge the State Board to delete subsections (2), (3) and (4).** As proposed, Section 4.52 focuses on the use of local assessments versus the PSSA as a high school graduation requirement. Through the requirements and procedures outlined in the proposal, the regulations create a strong disincentive for school districts and AVTSs to use a local assessment as a graduation requirement, even though they are allowed under to do so under Section 4.24 (relating to graduation requirements) and may conflict with provisions under Section 4.4 (permitting parents to have their child excused from state assessments). A copy of the joint statement is enclosed.

We appreciate the opportunity to review and comment on the proposed amendments to Chapter 4, and we would welcome the opportunity to continue discussion regarding the issues addressed in this letter.

Sincerely,



Timothy M. Allwein
Assistant Executive Director
Governmental and Member Relations

cc: Members, Senate Education Committee
Members, House Education Committee
Kim Kaufman, Independent Regulatory Review Commission

INDICATED
DATE: 07/04/07

**Joint statement from PASA, PSEA, AFT Pa, PAVA and PSBA
in opposition to proposed changes to Title 22, Chapter 4, Section 4.52**

The Pennsylvania Association of School Administrators, Pennsylvania State Education Association, American Federation of Teachers, Pennsylvania Association of Vocational Administrators and the Pennsylvania School Boards Association have joined together to oppose proposed changes to Section 4.52 of the regulations under Title 22, Chapter 4 (Standards and Assessment). The State Board of Education announced its intention to adopt the proposal on June 30, 2005. It was added to the previously adopted (July 2004) draft of proposed revisions to the entire Chapter 4.

Currently, Section 4.52 requires school districts and area vocational technical schools to create a local assessment system. Local assessments must be aligned with the state academic standards and be used to determine the degree to which students are achieving the standards. The local assessment system must be designed to include a variety of assessment strategies that may include tests, written work, scientific experiments, works of art, musical or theatrical performances, and other demonstrations or projects by students. The results of these assessments are used to help identify students who need assistance in attaining the academic standards and also to improve curriculum and instructional practices of the school. Our organizations support the use and purpose of the local assessment system in its current form because it allows schools and teachers to obtain a more complete picture of a student's knowledge, skills and talents in academic areas. An assessment system does not put high stakes reliance on just one test, but instead uses a variety of tests and other strategies to measure academic progress.

As proposed, Section 4.52 focuses on the use of local assessments versus the PSSA as a high school graduation requirement. In effect, the proposed language would create a presumption that a single PSSA test is a better assessment than the local school districts' multi-year, in-depth analysis that is based on many tests and projects over the course of the students' education. It also would authorize the secretary of education to force the local districts to make their local assessment results mirror the PSSA results. Thus, through the requirements and procedures outlined in the proposal, the regulations create a strong disincentive for school districts and AVTSs to use a local assessment as a graduation requirement, even though they are allowed to do so under Section 4.24 (relating to graduation requirements). Furthermore, this may conflict with Section 4.4's provisions permitting parents to opt their child from state assessments.

The new language under Section 4.52 would still allow school entities to use either the PSSA or a local assessment as a graduation requirement. However, the proficient level on the local assessment must be comparable to the proficient level on the PSSA, and the Department of Education would determine whether a school entity has met that requirement.

School entities that choose to use a local assessment instead of the PSSA as a graduation requirement would be required to submit an annual report to PDE “on a form and in a manner determined by the department” certifying the alignment between the local assessment and the PSSA. The school also would have to provide data specified by PDE to support the certification. If more students achieve proficiency on the local assessment than the PSSA, the PDE will infer that the local assessment is not aligned with the PSSA or the PSSA’s meaning of proficient.

A school entity whose certification is rejected by PDE would then be required to use the PSSA as a graduation requirement until PDE determines that the local assessment meets the requirement to be aligned with the PSSA.

If the annual report and certification are not submitted as required, or if the secretary “is not satisfied with the form or accuracy of the report,” the secretary will withhold funding “until such time as the secretary is satisfied that the school entity is in compliance with this chapter.”

We oppose these proposed changes to Section 4.52, subsections (2), (3) and (4) because the language is vague, subjective, punitive and counterproductive. Although the proposal still permits schools to use a local assessment system as a graduation requirement, the hoops that they must continually jump through to do so – and the pressure for the local assessment to mirror the state exam – make this flexibility a sham. **This proposal is one step away from establishing the PSSA as Pennsylvania’s mandatory high school exit exam.** There are many concerns and questions that we raise about the proposal. Among them:

1. Graduation requirements should remain a local determination, with the understanding that schools must establish clear expectations, and require rigorous instruction and assessment of students in accordance with the academic standards and provisions of Chapter 4.
2. The alignment between local assessments and the academic standards should be the key issue, rather than the alignment of local assessments and the PSSA.
3. The sole use of the PSSA provides a single snapshot of a student’s knowledge of the standards. The use of a variety of assessment strategies is a holistic approach that more accurately measures a student’s abilities. Think of it as looking at one photo of a student versus an entire photo album – which one will show you more?
4. The proposed language creates a conflict with provisions of Section 4.4 that allow parents to have their child excused from taking the PSSA. If a parent properly requests excusal, the school must grant it. If the PSSA is forced upon a district or AVTS as a graduation requirement, would such a student be unable to graduate?
5. How will “comparability” between the PSSA and local assessments be measured by the state, particularly if a combination of assessment strategies is used? How will the Department of Education compare the results of PSSAs in reading, math and writing taken in 11th grade with local assessments given in 12th grade?



6. What percentage of students will be used by the state to determine whether “significant numbers” achieve proficiency on a local assessment versus the PSSA?
7. Why is there an automatic inference that if the Department of Education determines that such “significant numbers” exist, that something is wrong with the local assessment? If local assessments must be aligned with the state standards, and students demonstrate proficiency on local assessments, isn’t the goal being met? Why is it assumed that the PSSA is the only correct way to measure achievement of the standards? The PSSA cut scores have not been externally validated. A close reading of the report conducted by the Human Resources Research Organization (HumRRO) suggests that the 11th grade proficiency levels were high. HumRRO's comparisons of student performance on the PSSAs and SATs indicate that a large percentage of students who score basic on the PSSA achieve SAT scores that will gain them admission to college. Is it reasonable to deny students diplomas based on PSSA performance levels that may turn out to be poor predictors of subsequent performance?

At the behest of the Pennsylvania State Board of Education, HumRRO investigated the relationship between 11th grade PSSA Math and Reading scores and other measures of educational achievement. In order to do this the investigators obtained data from three public research universities in Pennsylvania. The HumRRO researchers were able to match student records of PSSA test scores, their performance on their university’s Math and English proficiency exams, and their course grades in their first college English and Math courses.

No one disagrees that performance on the PSSA is positively related to performance on other proficiency tests. The two most interesting findings of latest HumRRO study of the PSSAs are: 1) Both the PSSAs and university proficiency exams were "weak", or in a few cases "moderate" predictors of student grades in their first college Math or English course. 2) Approximately 60% of the students who scored "basic" or "below basic" on the PSSA enrolled in college level Math or English courses in the same subject they had "failed" on the PSSA. Both these results raise questions regarding the external validity of the PSSA cut scores. Consequently, this suggests that proposed revisions to Chapter 4, section 4.52 may result in the denial of high school diplomas to thousands of Pennsylvania's students who would have enrolled in college level (nonremedial) courses in the same subjects they had "failed" on the PSSA.

8. If local assessments had been required to replicate PSSA results in 2003-04, the following percentages of Black, IEP and LEP students would have been unable to graduate because they did not reach Proficient:

	Math	Reading
Black	82%	72%
IEP	89%	86%
LEP	71%	82%

This would be a particularly cruel development for students who demonstrate on the local assessments that they have reached the Proficient level on Pennsylvania's academic standards, given the serious questions that have been raised about the process used to set the PSSA cut scores, as well as the questions that have been raised nationally regarding bias against minority groups in standardized testing generally.

9. What kind of timelines will be established for school entities to prepare and submit an annual report? What kind of documentation and data must the district or AVTS provide to show that it is meeting state requirements? What kind of timelines will be established for the Department of Education to respond? What guidelines will the department use to determine whether it will approve or reject a school's report?
10. Why do school entities have to file reports and certifying data every year? This creates a burdensome administrative requirement that seems to have no purpose other than to act as a disincentive to use a local assessment.
11. The proposal does not allow for any type of appeal process if the Department of Education rejects a school's annual report.
12. The proposal also does not call for the Department of Education to provide any technical assistance to school districts and AVTSs to help them develop their local assessments in a way that meets the state requirements. If the department were to offer assistance to those schools that request help, it would not become necessary to force schools to use the PSSA as a graduation requirement as the only alternative.
13. Rather than providing for a process of assistance to help schools, the regulations instead authorize the secretary of education to withhold their funding. Again, there is no appeal process. How long will the funding be withheld? How will the loss of state funds help schools enhance their instruction and assessment plans to meet the requirements of this regulation?

Our organizations believe that it is important for students to graduate with a knowledge and understanding of the state's academic standards. The development and use of state standards allow for a uniform, but not identical, guide for schools to prepare students for college or the workplace. State initiatives such as PAGE 1, Project 720, dual enrollment, improvements to career and technical centers, and others enhance local efforts. We agree that the use of the PSSA is an important component in measuring student achievement. However, we do not agree that achievement can only be correctly measured in one way, through the PSSA. If students can consistently demonstrate an understanding of the state academic standards through a local assessment system, they should be permitted to graduate.

We urge you to consider these issues and questions as you review this proposal. We ask that you seek changes to this proposal to delete subsections (2), (3) and (4) of Section 4.52.

We would be pleased to meet with you to discuss our comments.

Stinson Stroup,
Executive Director
PASA
717-540-4448

Timothy Allwein,
Assistant Executive Director
PSBA
717-506-2450, ext. 3325

Ted Kirsch,
President
John Tarka,
Executive Vice President
AFT Pa
215-587-6770 (Kirsch)
412-431-5900 (Tarka)

James Weaver,
President
PSEA
717-255-7000

Jacqueline Cullen,
Executive Director
PAVA
717-761-3381

Original: 2499



RECEIVED
DECEMBER 7, 2005
EDUCATION COMMISSION

Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

December 6, 2005

Dr. Melody Wilt
Director of Curriculum
Chester County Intermediate Unit
455 Boot Road
Downingtown, PA 19335

Dear Dr. Wilt:

Thank you for your letter of November 28, 2005 from the Chester County Administrators on proposed 22 Pa. Code, Chapter 4, academic standards and assessments.

Your letter is considered as official public comment and is being shared with all members of the Board. Pursuant to the provisions of the Regulatory Review Act, copies of your comments are also being provided to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Education Committees.

The regulatory Review Act provides that information on proposed and final regulations be mailed to public commentators at their request. If you would like to receive the final-form of these regulations when they are finalized, please make your request to me in writing at the address printed below.

Sincerely yours,

Jim Buckheit
Jim Buckheit
Executive Director

cc: Members of the State Board
Senator Rhoades
Senator Musto
Representatives Stairs
Representatives Roebuck
IRRC



Chester County Intermediate Unit
455 Boot Road
Downingtown, PA 19335
484 237 5000

F A X C O V E R

Date:	NDecember 2, 2005
Send to:	Jim Buckheit, Executive Director
Organization:	State Board of Education
Phone number:	
Fax number:	717-787-7306
From:	Melody Wilt/Robin Romanelli
Office location:	Chester County Intermediate Unit
Phone number:	484-237-5094

URGENT REPLY ASAP PLEASE COMMENT PLEASE REVIEW FOR YOUR INFORMATION

TOTAL PAGES, INCLUDING COVER:

3

Comments:

Chapter 4 - State Board of Education Proposed Regulations from Dr. Melody Wilt.

Melody Wilt, Ph.D.
Director of Curriculum, Instructional Improvement, & Assessment
Chester County Intermediate Unit
455 Boot Road
Downingtown, PA 19335
(484) 237-5054
(484) 237-5194 - FAX





An educational service agency

Chester County Intermediate Unit

November 28, 2005
Mr. Jim Buckheit, Executive Director
Pennsylvania State Board of Education
333 Market Street
Harrisburg, Pennsylvania 17126-0333

Dear Mr. Buckheit:

CHAPTER 4 – STATE BOARD OF EDUCATION PROPOSED REGULATIONS

This letter is written to provide comment regarding Chapter 4 as published in the November 5th Pennsylvania Bulletin. The primary area of concern with these regulations is Section 4.52. Local Assessment System. This section notes that school districts may be required to use the PSSA for graduation purposes should they have a “significant” discrepancy between the numbers of students demonstrating proficiency on the PSSA and the local assessment system.

While we recognize the importance of valid, reliable assessments, substituting a single reliable assessment in place of the rich, diversity of local measures is not supported by scientifically based research nor does it honor the variety of ways learners demonstrate their knowledge and skill. Please consider the following widely accepted characteristics of quality assessment:

1. Test validity is tied to the purposes for which an assessment is used. A test may be valid, but inappropriate for a designated purpose. While the PSSA provides reliable information for the state and for district programming, various researchers/authors in assessment have clearly stated large-scale assessments provide limited information for specific students. Too few items are used on the PSSA to provide proficiency levels on individual anchor areas giving students fewer opportunities to demonstrate proficiency AND less information to use for remediation/correction.
2. Multiple and varied measures should be used to assess student learning. The PSSA is one evaluative measure and honors only particular types of learners. Local assessments, in contrast, provide multiple opportunities for mastery as well as diverse formats for demonstrating learning (multiple intelligence, performance assessments). Only when decision-makers have timely access to multiple assessments can they make informed decisions regarding student proficiency and graduation rates.
3. Timely student feedback is critical for learning. Once students take the PSSA, they do not receive results for several months and are never allowed to review the questions missed to determine why mistakes were made. This testing model severely limits students from succeeding to their highest potential on this single test.

Educational Service Center, 455 Boot Road, Downingtown, PA 19335
Phone: (484) 237-5000 • TDD: (484) 237-5528 • FAX: (484) 237-5154

4. Standardized tests historically have discriminated against poor or minority children.
Given this propensity, it is likely dropout rates will increase with the most needy children if the PSSA is used for graduation.

Given the research on assessment, the Chester County administrators noted below ask the State Board of Education to revise this section of the regulations eliminating the possible use of the PSSA for graduation and encourage the Department of Education to provide training, technical assistance, and support to intermediate units and districts who are actively involved in developing valid, reliable items for local assessments.

Sincerely,

Dr. Levi Wingard, Superintendent, Downingtown Area School District
Dr. Rita Jones, Superintendent, Great Valley School District
Dr. Rudolph Karkosak, Superintendent, Kennett Consolidated School District
Dr. Tom Newcome, Superintendent, Octorara Area School District
Dr. Mary Jane Gales, Superintendent, Oxford Area School District
Dr. Myra Forrest, Superintendent, Owen J Roberts School District
Dr. Dave Noyes, Superintendent, Phoenixville Area School District
Dr. Alan Elko, Superintendent, West Chester Area School District
Dr. John Baillie, Executive Director, Chester County Intermediate Unit
Dr. Melody Wilt, Director of Curriculum, Chester County Intermediate Unit
Dr. Grace Cisek, Director of Mathematics and Science, Chester County Intermediate Unit
Dr. Linda Antonowich, Assistant Superintendent, West Chester Area School District
Dr. Midge Barilla, Assistant Superintendent, Owen J Roberts School District
Dr. Robert Lewis, Director of Secondary Education, Octorara Area School District
Dr. Helen Larson, Assistant Superintendent, Phoenixville Area School District
Dr. Alan Slobojan, Director of Career and Technical Education, Chester County Intermediate Unit
Dr. Olivia Spencer, Assistant Superintendent, Avon Grove School District
Dr. Linda MacNeal, Director of Elementary Education, Downingtown Area School District
Dr. Sandy Griffin, Assistant Superintendent, Downingtown Area School District
Dr. Jim Price, Director of Secondary Education, Unionville-Chadds Ford School District

Original: 2499



Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

December 2, 2005

Mr. Harry C. Mathias, Jr.
Superintendent
Central Columbia School District
4777 Old Berwick Road
Bloomsburg, PA 17815-3515

Dear Mr. Mathias:

Thank you for your letter of November 29, 2005 on proposed 22 Pa. Code, Chapter 4, academic standards and assessments.

Your letter is considered as official public comment and is being shared with all members of the Board. Pursuant to the provisions of the Regulatory Review Act, copies of your comments are also being provided to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Education Committees.

The regulatory Review Act provides that information on proposed and final regulations be mailed to public commentators at their request. If you would like to receive the final-form of these regulations when they are finalized, please make your request to me in writing at the address printed below.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Jim Buckheit".

Jim Buckheit
Executive Director

cc: Members of the State Board
Senator Rhoades
Senator Musto
Representatives Stairs
Representatives Roebuck
IRRC



CENTRAL COLUMBIA SCHOOL DISTRICT

4777 OLD BERWICK ROAD
BLOOMSBURG, PENNSYLVANIA 17815-3515

November 29, 2005

Mr. Jim Buckheit, Executive Director
State Board of Education
333 Market Street
Harrisburg, PA 17126-0333

REC'D DEC 01 2005

District Administration
Office

570-784-2850
FAX 570-387-0192

High School Office

570-784-2833
FAX 570-784-3570

Athletic Office

FAX 570-784-0863

Middle School Office

570-784-6103
FAX 570-784-4935

Elementary School Office

570-784-6120
FAX 570-784-2582

Dear Mr. Buckheit:

This letter is being submitted as written comment on the proposed Chapter Four revisions.

I stand in support of the proposed Chapter Four with one exception. I need to express a strong concern about the language in 4.52(a)(3) which states, "The existence of significant numbers of students not achieving proficiency on the PSSA who are deemed proficient by a local assessment will raise an inference that the local assessment is not aligned with the PSSA or the PSSA's meaning of proficient."

I believe that this language is in opposition to significant research on student assessment. The concern with the PSSA is that it is a one-time (per year) snapshot of the student's achievement. The local assessment system, if properly developed and implemented, will provide a highly varied, highly comprehensive, on-going data collection system that will assist students, teachers, parents, administrators, and local Boards in helping students learn. The properly developed local assessment system will give students multiple opportunities through a variety of tasks to learn and be assessed on the academic standards. That a student who is proficient in this model but not proficient on the one-time PSSA in March of the junior year is deemed to have been in a failed system (because the PSSA is more "reliable" or "valid") is very poor logic and not educationally sound.

I absolutely agree that the local assessment system should be rigorous and aligned to the academic standards. However, the local assessment system should also be comprehensive with a wide variety of styles of assessment and assessment opportunities, and its validity and reliability should not be tied to the PSSA.

I urge you to revisit this language in 4.52(a)(3) of the revised Chapter Four.

Sincerely submitted,

Harry C. Mathias, Jr.
Superintendent

- c. Representative Jess Stairs, Chair, House Education Committee
Senator James Rhoades, Majority Chair, Senate Education Committee
Senator John Gordner
Representative David Millard

Original: 2499



Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

December 1, 2005

Dr. John Baillie
Executive Director
Chester County Intermediate Unit
455 Boot Road
Downingtown, PA 19335

Dear Dr. Baillie:

Thank you for your letter of November 29, 2005 on proposed 22 Pa. Code, Chapter 4, academic standards and assessments.

Your letter is considered as official public comment and is being shared with all members of the Board. Pursuant to the provisions of the Regulatory Review Act, copies of your comments are also being provided to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Education Committees.

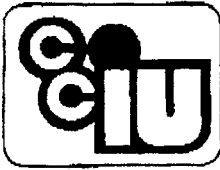
The regulatory Review Act provides that information on proposed and final regulations be mailed to public commentators at their request. If you would like to receive the final-form of these regulations when they are finalized, please make your request to me in writing at the address printed below.

Sincerely yours,

Jim Buckheit
Jim Buckheit
Executive Director

cc: Members of the State Board
Senator Rhoades
Senator Musto
Representatives Stairs
Representatives Roebuck
IRRC

Original: 2499



Human Resources

Chester County Intermediate Unit

November 29, 2005

Mr. James Buckheit, Executive Director
State Board of Education
333 Market Street
Harrisburg, PA 17126-0333

Dear Mr. Buckheit:

I am writing on behalf of the school districts of Chester County and the Chester County Intermediate Unit (CCIU) regarding the Pennsylvania Department of Education's proposed changes in the special education, early childhood and elementary education certificates.

Although these proposals are intended to improve student performance, we believe they may have the opposite effect, and that the increased restrictions imposed by these changes will be detrimental to the learning environment.

We are most concerned with two of the current recommendations. Our concerns are outlined below:

1. Separation of the current pre K-12 special education certificate into two certificates: special education pre K-6 and special education 7-12.

The separation of these certificates is problematic for two reasons.

- A. Students, aged 11 and 12 years old, will no longer be placed in the same classroom unless the teacher has two special education certificates. The CCIU operates several classrooms at the Child and Career Development Center in which children aged 11 and 12 years old are in the same classroom (as this is the most appropriate learning environment for these students). Since employees holding both a K-6 and 7-12 special education certificate will be rare, if the proposed change in certification is approved, these students will be separated.
- B. The proposed change will create a shortage of teachers with special education certification at the 7-12 grade level.
 - i. The vast majority of new teacher candidates choose elementary certification over secondary certification when given the choice. Preservice teacher candidates are unlikely to obtain the multiple certifications required to teach in a secondary, self-contained special education classroom (special education 7-12 certification and certification in each core content area).

This shortage will lead to unqualified teachers teaching the most severely disabled students.

2. The reform of early childhood and elementary education certificates.
- A. The current recommendations restrict evidence-based practices that districts use to meet the needs of an increasingly diverse student population, including:
- i. "Looping" programs in which teachers remain with the same group of students over a two- to three-year period.
 - ii. Non-graded or un-graded elementary settings in which children progress through identified skills and content at their developmental ability.
 - iii. The capacity of districts and teachers to move between elementary grades to accommodate changing student-targeted intervention programs.
- B. While there are specialized skill sets for pre-school children, there is a wide congruence in the instructional knowledge base for K-5 elementary grades.
- C. Chapter 14 regulations allow a three-year age span at the elementary level. The P-3 and 3-6 certificates do not allow students in grades 2, 3, and 4 to be instructed by the same teacher in an appropriate instructional setting as provided by Chapter 14.
- D. School districts will face a dramatic decrease in flexibility for staffing elementary classrooms. School districts often face "bubbles" in student populations that require school districts to adjust the number of specific grade classrooms each year as the bubble moves with the student population. If the proposed changes are approved, instead of reassigning staff as a bubble moves through the second, third and fourth grades, school districts will be forced to furlough staff members while hiring new staff at the same time. This type of forced staff turnover is costly as well as detrimental to the learning environment.

Thank you for considering the long-term implications of the proposed changes in special education, early childhood, and elementary certificates before approving the proposals.

There are solutions to the challenges to education presented by No Child Left Behind, Gaskins, and IDELA. I would appreciate the opportunity to discuss both the ramifications of the current proposals as well as solutions to the urgent issues facing Pennsylvania's public schools.

Best Regards,


John K. Baillie, Ed.D.
Executive Director

cc: Chester County Superintendents
Chester County Human Resources Directors



Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

December 2, 2005

Mr. Daniel R. Trimmer
Superintendent
Conewago Valley School District
130 Berlin Road
New Oxford, PA 17350

Dear Mr. Trimmer:

Thank you for your letter of November 29, 2005 on proposed 22 Pa. Code, Chapter 4, academic standards and assessments.

Your letter is considered as official public comment and is being shared with all members of the Board. Pursuant to the provisions of the Regulatory Review Act, copies of your comments are also being provided to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Education Committees.

The regulatory Review Act provides that information on proposed and final regulations be mailed to public commentators at their request. If you would like to receive the final-form of these regulations when they are finalized, please make your request to me in writing at the address printed below.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Jim Buckheit".

Jim Buckheit
Executive Director

cc: Members of the State Board
Senator Rhoades
Senator Musto
Representatives Stairs
Representatives Roebuck
IRRC

Original: 2499

CONEWAGO VALLEY SCHOOL DISTRICT

130 BERLIN ROAD NEW OXFORD PA 17350 (717) 624-2157

Daniel R. Trimmer
Superintendent



Kathy M. Carbaugh
Assistant Superintendent

Lori Duncan
Board Secretary/Business Manager

November 29, 2005

Mr. Jim Buckheit
Executive Director
State Board of Education
333 Market Street
Harrisburg, PA 17126-0333

REC'D DEC 01 2005

Mr. Buckheit:

The purpose of this letter is to provide comments from our school district on the revisions to Chapter 4 regulations that were published on November 7, 2005. These comments are specifically based on proposed changes to § 4.52 (c).

Proposed changes to this section include a narrowed set of options for local assessments. Other than the option of portfolio assessment, districts are restricted in the number of opportunities that can be offered to students. The terms *nationally recognized standardized* and *locally developed standardized assessment* imply that students will have only one opportunity to participate in a retest. To base the ability of students to successfully complete a secondary education based on scores that represent only a single snapshot of student performance and ability is doing a disservice to students who have varying needs. This type of evaluation clearly places ESL and Special Education students at a distinct disadvantage.

Further, the implication that having a graduation rate that is higher than the number of students who scored proficient on the 11th grade PSSA signals that districts are doing something wrong flies in the face of the belief that schools should view students as individuals. We contend that it instead signals districts are doing many things right. Public schools are obligated to provide an appropriate education to all students. That includes differentiating instruction and assessment in ways that support learning and scaffold student success. Rather than encouraging schools to utilize strategies to keep students from dropping out of high school, focusing on "once and done" assessment choices creates an atmosphere where students may give up on graduating and schools may give up on preventing that from happening. In short, we believe this proposal will lead to increased drop-out rates. Evidence from other states point to the ineffectiveness of a graduation test.

We would instead encourage the Board to continue to allow districts the local control to educate all students in the way that meets their need and to identify and utilize the high quality methods

of certifying that students have met the requirements of the graduation plan that are part of each district's Board Policy. A district should be required to verify that the local assessment identified in their strategic plan is comparable to the State assessment and that it is being administered correctly and consistently. If able to do so, their efforts to increase the number of students who were not successful on the PSSA but were remediated and supported by their local school so that they were able to meet criteria for graduation, should be lauded, not considered suspect. Helping students be successful and meet their full potential is certainly the true intent of No Child Left Behind. Efforts of districts attempting to meet this intent should be viewed as a standard of practice rather than a symptom of non-compliance.

We urge the Board to reconsider the negative correlation drawn between non-proficiency on the 11th grade PSSA and the ability to improve and be successful in obtaining high school graduation as evidenced by the wording of the revision.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel R. Trimmer', with a long horizontal flourish extending to the right.

Daniel R. Trimmer

Original: 2499



Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

December 2, 2005

Dr. Robert M. McConaghy
Superintendent of Schools
Littlestown Area School District
Littlestown, PA 17340

Dear Dr. McConaghy:

Thank you for your letter of November 29, 2005 on proposed 22 Pa. Code, Chapter 4, academic standards and assessments.

Your letter is considered as official public comment and is being shared with all members of the Board. Pursuant to the provisions of the Regulatory Review Act, copies of your comments are also being provided to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Education Committees.

The regulatory Review Act provides that information on proposed and final regulations be mailed to public commentators at their request. If you would like to receive the final-form of these regulations when they are finalized, please make your request to me in writing at the address printed below.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Jim Buckheit".

Jim Buckheit
Executive Director

cc: Members of the State Board
Senator Rhoades
Senator Musto
Representatives Stairs
Representatives Roebuck
IRRC



Original: 2499

Littlestown Area School District

Littlestown, Pennsylvania 17340

(717) 359-4146 or (717) 334-7094

Dr. Robert M. McConaghy
Superintendent of Schools

November 29, 2005

Mr. Jim Buckheit
Executive Director
State Board of Education
333 Market Street
Harrisburg, PA 17126-0333

REC'D DEC 01 2005

Mr. Buckheit:

The purpose of this letter is to provide comments from our school district on the revisions to Chapter 4 regulations which were published on November 7, 2005. These comments are specifically based on proposed changes to § 4.52 (c).

Proposed changes to this section include a narrowed set of options for local assessments. Other than the option of portfolio assessment, districts are restricted in the number of opportunities that can be offered to students. The terms *nationally recognized standardized* and *locally developed standardized assessment* imply that students will have only one opportunity to participate in a retest. To base the ability of students to successfully complete a secondary education based on scores that represent only a single snapshot of student performance and ability is doing a disservice to students who have varying needs. This type of evaluation clearly places ESL and Special Education students at a distinct disadvantage.

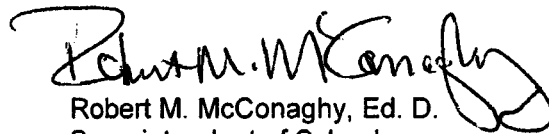
Further, the implication that having a graduation rate which is higher than the number of students who scored proficient on the 11th grade PSSA signals that districts are doing something, wrong flies in the face of the belief that schools should view students as individuals. We contend that it instead signals districts are doing many things right. Public schools are obligated to provide an appropriate education to all students. That includes differentiating instruction and assessment in ways that support learning and scaffold student success. Rather than encouraging schools to utilize strategies to keep students from dropping out of high school, focusing on "once and done" assessment choices creates an atmosphere where students may give up on graduating and schools may give up on preventing that from happening. In short, we believe this proposal will lead to increased drop-out rates. Evidence from other states point to the ineffectiveness of a graduation test.

We would instead encourage the Board to continue to allow districts the local control to educate all students in the way which meets their need and to identify and utilize the high quality methods of certifying that students have met the requirements of the graduation plan which are part of each district's Board Policy. A district should be

required to verify that the local assessment identified in their strategic plan is comparable to the State assessment and that it is being administered correctly and consistently. If able to do so, their efforts to increase the number of students who were not successful on the PSSA but were remediated and supported by their local school so that they were able to meet criteria for graduation, should be lauded, not considered suspect. Helping students be successful and meet their full potential is certainly the true intent of No Child Left Behind. Efforts of districts attempting to meet this intent should be viewed as a standard of practice rather than a symptom of non-compliance.

We urge the Board to reconsider the negative correlation drawn between non-proficiency on the 11th grade PSSA and the ability to improve and be successful in obtaining high school graduation as evidenced by the wording of the revision.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert M. McConaghy". The signature is fluid and cursive, with a large loop at the end of the last name.

Robert M. McConaghy, Ed. D.
Superintendent of Schools

Original: 2499



Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

December 2, 2005

Mr. David A. Mowery
Superintendent
Gettysburg Area School District
900 Biglerville Road
Gettysburg, PA 17325-8007

Dear Mr. Mowery:

Thank you for your letter of November 30, 2005 on proposed 22 Pa. Code, Chapter 4, academic standards and assessments.

Your letter is considered as official public comment and is being shared with all members of the Board. Pursuant to the provisions of the Regulatory Review Act, copies of your comments are also being provided to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Education Committees.

The regulatory Review Act provides that information on proposed and final regulations be mailed to public commentators at their request. If you would like to receive the final-form of these regulations when they are finalized, please make your request to me in writing at the address printed below.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Jim Buckheit".

Jim Buckheit
Executive Director

cc: Members of the State Board
Senator Rhoades
Senator Musto
Representatives Stairs
Representatives Roebuck
IRRC

Original: 2499



GETTYSBURG AREA SCHOOL DISTRICT

900 Biglerville Road • Gettysburg, Pennsylvania 17325-8007
Telephone 717-334-6254 • FAX 717-334-5220
www.gettysburg.k12.pa.us

November 30, 2005

REC'D DEC 01 2005

Mr. Jim Buckheit
Executive Director
State Board of Education
333 Market Street
Harrisburg, PA 17126-0333

Mr. Buckheit:

The purpose of this letter is to provide comments from our school district on the revisions to Chapter 4 regulations that were published on November 7, 2005. These comments are specifically based on proposed changes to § 4.52 (c).

Proposed changes to this section include a narrowed set of options for local assessments. Other than the option of portfolio assessment, districts are restricted in the number of opportunities that can be offered to students. The terms *nationally recognized standardized* and *locally developed standardized assessment* imply that students will have only one opportunity to participate in a retest. To base the ability of students to successfully complete a secondary education based on scores that represent only a single snapshot of student performance and ability is doing a disservice to students who have varying needs. This type of evaluation clearly places ESL and Special Education students at a distinct disadvantage.

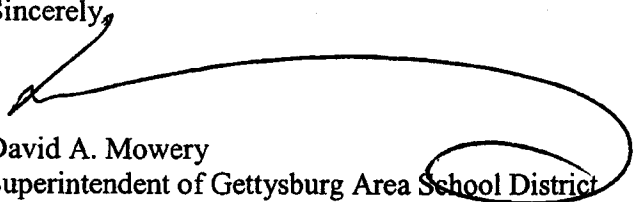
Further, the implication that having a graduation rate that is higher than the number of students who scored proficient on the 11th grade PSSA signals that districts are doing something wrong flies in the face of the belief that schools should view students as individuals. We contend that it instead signals districts are doing many things right. Public schools are obligated to provide an appropriate education to all students. That includes differentiating instruction and assessment in ways that support learning and scaffold student success. Rather than encouraging schools to utilize strategies to keep students from dropping out of high school, focusing on "once and done" assessment choices creates an atmosphere where students may give up on graduating and schools may give up on preventing that from happening. In short, we believe this proposal will lead to increased drop-out rates. Evidence from other states point to the ineffectiveness of a graduation test.

We would instead encourage the Board to continue to allow districts the local control to educate all students in the way that meets their need and to identify and utilize the high

quality methods of certifying that students have met the requirements of the graduation plan that are part of each district's Board Policy. A district should be required to verify that the local assessment identified in their strategic plan is comparable to the State assessment and that it is being administered correctly and consistently. If able to do so, their efforts to increase the number of students who were not successful on the PSSA but were remediated and supported by their local school so that they were able to meet criteria for graduation, should be lauded, not considered suspect. Helping students be successful and meet their full potential is certainly the true intent of No Child Left Behind. Efforts of districts attempting to meet this intent should be viewed as a standard of practice rather than a symptom of non-compliance.

We urge the Board to reconsider the negative correlation drawn between non-proficiency on the 11th grade PSSA and the ability to improve and be successful in obtaining high school graduation as evidenced by the wording of the revision.

Sincerely,



David A. Mowery
Superintendent of Gettysburg Area School District

Original: 2499



2005-03-14 10:04 AM
REVIEW COMMISSION

Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

December 1, 2005

Mr. Stinson W. Stroup
Executive Director
PA Association of School Administrators
2579 Interstate Drive
Harrisburg, PA 17110-9602

Dear Mr. Stroup:

Thank you for your letter of November 30, 2005 on proposed 22 Pa. Code, Chapter 4, academic standards and assessments.

Your letter is considered as official public comment and is being shared with all members of the Board. Pursuant to the provisions of the Regulatory Review Act, copies of your comments are also being provided to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Education Committees.

The regulatory Review Act provides that information on proposed and final regulations be mailed to public commentators at their request. If you would like to receive the final-form of these regulations when they are finalized, please make your request to me in writing at the address printed below.

Sincerely yours,
Jim Buckheit

Jim Buckheit
Executive Director

cc: Members of the State Board
Senator Rhoades
Senator Musto
Representatives Stairs
Representatives Roebuck
IRRC

Original: 2499

Pennsylvania Association of School Administrators
2579 Interstate Drive - Harrisburg, PA 17110-9602
(717) 540-4448 (717) 540-4405 fax www.pasa-net.org

REVIEW COMMISSION

November 30, 2005

Mr. James Buckheit, Executive Director
State Board of Education
333 Market Street, First Floor
Harrisburg, PA 17126-0333

Dear Mr. Buckheit:

I am writing to comment on the proposed amendments to Chapter 4 to express opposition to the new definition of pre-kindergarten, new requirements for strategic planning, and changes in the assessment provisions that could eliminate local alternatives to the PSSA for making graduation decisions. My comments will track the proposal as published in the *Pennsylvania Bulletin* on November 5, 2005. (Vol. 35, No. 45).

Section 4.3 (relating to definitions) is proposed to be amended to add new definitions of "pre-kindergarten" and "school entity." As proposed, pre-kindergarten programs could be offered by any "school entity," including a cyber charter school. We oppose this for two reasons. One, it is inappropriate to use distance-learning-computer-technologies as the primary delivery system for instruction to young children. Second, school districts should not be required to pay tuition for young children attending these programs.

In part for these reasons, PASA testified before the early childhood education subcommittee of the board on November 7, 2005 that the definition of pre-kindergarten distributed for that hearing is preferable to the definition published on November 5, 2005.

Section 4.13 (relating to strategic plans) is substantially amended. The description of the change states that the purpose of the change is "to focus school entity plans on strategic, rather than operational, issues..." We believe the amendments have just the opposite effect and oppose them for that reason.

Specifically, Section 4.13 (c) contains a list of 16 content areas that must be addressed in the plan. They include a description of academic standards, consistent with the state-adopted academic standards (4.13(c)(3)), "curriculum that is aligned with the academic standards" (part of 4.13 (c)(5)), "the instruction to be offered and the instructional practices and instructional materials to be used to strive for the academic goals and attain academic standards under paragraph (3) and the high school graduation requirements under 4.24." (part of 4.13 (c)(5)).

J. Buckheit/Chapter 4
November 30, 2005
Page 2

From this, it appears that the strategic plan is to include among other things: 1) all of the standards (locally aligned with the state standards); 2) the curriculum; 3) the planned instruction to be offered; 4) the instructional practices that will be used; and 5) the instructional materials that are to be used to help students achieve the standards. Not only will this be a very voluminous document, it will be much more operational than strategic. That is, the new plan requires reporting in considerable detail what the school district is doing to educate students, rather than focusing on what the school district anticipates doing differently to improve that delivery.

Indeed, reporting this level of detail about the school program and in this format may inhibit change rather than promote change. The plan, which includes all of this information, is to be in place for six years. It can be amended. But the plan "can only be changed by the strategic planning committee...." (4.13 (c)). Thus, the strategic planning committee, with its various members, must be reconvened to consider any amendments. Any changes it proposes can be adopted by the board of school directors only after the revisions have been available for public inspection for at least 28 days (4.13 (e)). Further, should the board of school directors wish to alter any proposed changes to the plan coming from the strategic planning committee, the committee must be convened yet again to determine if consensus can be reached before the school board takes final action.

Given the composition of the strategic planning committee and the level of detail the plan contains, there may be resistance to initiating and or approving changes. Please think about trying to write a plan for the next six years that covers everything required by Section 4.13. Think further about trying to change even a small piece of it, such as "the planned instruction to be offered and the instructional practices and instructional materials to be used" in just one course (5), or "the methods and measures used to determine student achievement" against just one set of standards (6), or "the resources the school entity plans to devote to the attainment of academic standards, including professional personnel, school library, classroom materials, educational technology, school facilities, budget or other resources available to the school entity." (11). In this regard, would every budget transfer have to go before the strategic planning committee?

We believe the requirements of Section 4.13 as proposed are unrealistic and un-strategic. Instead of moving the plan toward better strategic thinking, the amendments move it toward more operational descriptions. Instead of helping communities set strategic goals, the new procedures create procedural hurdles that inhibit change.

Boards of school directors currently use the strategic planning process to engage their communities and staffs in big-issue and long-range thinking. The amendments published on November 5 provide a disincentive for school boards to continue to use the planning process this way. Setting big goals often means stretching and missing. It often means setting optimistic time lines that are not met. It means anticipating available resources that may turn out to be deficient. All of these hazards are understood in traditional

J. Buckheit/Chapter 4
November 30, 2005
Page 3

strategic planning; yet organizations still commit to stretching because the goals are goals and not legal commitments.

The new language proposed for Chapter 4 will encourage communities and schools to think small because it converts the goals into binding obligations. Section 4.13(c) provides "Each plan, as received and filed by the Department, becomes an extension of this chapter uniquely adapted to each school entity and can only be changed by the strategic planning committee approved by the local school board." And 4.13(g) states: "As an extension of this chapter, the locally approved strategic plan shall be administered in the school entity under the authority of a commissioned officer, AVTS administrative director or cyber charter school chief executive officer and readily available to the public."

Presumably, the plan, as an extension of Chapter 4, becomes subject to enforcement in the same way as a provision of Chapter 4. Does that mean that "The Secretary will receive and investigate allegations of curriculum deficiencies from professional employees, commissioned officers, parents of students or other residents of a school entity" when there is a complaint that a district is not following its strategic plan? Does a finding by the secretary that an element of the strategic plan is not being followed trigger corrective action as defined in Section 4.81?

We have asked Department of Education staff to share with us a draft strategic plan that incorporates all of the data the plan is required to contain under this revised section. We have not seen such a model. Without seeing how this can be done, we are concerned that the combined effect of requiring more detailed descriptions of practice, of making plans more difficult to amend, and of making their content enforceable commitments will result in plans that are longer, more operational and more rigid.

Section 4.52 (relating to local assessment system), as proposed, substantially changes the purpose of the PSSA and the consequences of performance on it. The amendments move the 11th grade PSSA test from a high-stakes accountability measure for school systems to a high-stakes test for individual students by potentially denying a high school diploma to those students who score below proficient on it. We oppose this change.

The 11th grade PSSA was not designed or validated as a high school exit exam. The "cut scores" were not set for this purpose.

Our members are concerned that the PSSA is not a fair or accurate measure of some students' skills and knowledge. The PSSA has been particularly insensitive at measuring the performance of students in special education and English language learner programs. In other contexts, PASA has called upon the department to explore better alternate assessments and accommodations for these students when they take the PSSA. We have

J. Buckheit/Chapter 4
November 30, 2005
Page 4

understood the department to be sympathetic to this need. Indeed, we have understood that the department has sought some relief from using them to determine AYP. Why then would Pennsylvania set the 11th grade PSSA as the necessary measure of student performance for graduation? Yet, that is exactly what the language of Section 4.52 will do.

School districts under Section 4.52, as proposed for amendment, are free to establish more rigorous graduation requirements than passing the 11th grade PSSA, but passing the PSSA at the proficient level will become a necessary, if not sufficient, requirement for the diploma for all students. This will happen because the regulation is without any guidance to school districts or to the Secretary as to what will make a local assessment comparable or aligned with the PSSA except the passage rate.

The regulations will push school entities to use PSSA proficiency because a "significant" difference in the passage rate results in an inference of non-alignment. The lack of guidance given to school districts and the Secretary is further exposed because nothing in the regulation suggests how a school can overcome this inference. Nor is there anything in the regulation that guides the Secretary to discriminate between a "difference in passage rate" and a "significant difference in passage rate." While the regulation calls for school districts using alternate assessments for graduation decisions to file a report "in a form and in a manner determined by the Department...and providing data specified by the Department," even this opportunity for guidance is lost because there is no indication of the kind of data that will be requested nor how the data will be used by the Secretary to make the determination that the local assessment is out of alignment.

The breadth of this unguided discretion is particularly troubling given the severe consequences of its exercise. The Secretary's remedy for a district found to have graduated "too many students" in a prior year is to deny the district the option to independently assess student performance in future years. All future students, regardless of their identified learning styles or needs or the quality of their years of classroom performance, will be judged only on their performance on the PSSA. They will be denied all opportunity to demonstrate proficiency in reading, writing and math using alternate measures of their abilities.

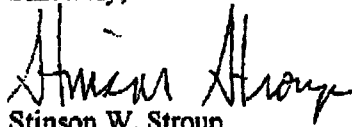
The regulations suggest that this penalty on the district and its future students is in effect only "until the school entity receives Department approval that a local assessment or assessments meets the requirements of paragraph (2)." But it is no clearer how a school entity meets the requirements of paragraph (2) after being found to be out of compliance than it is to determine how it meets the requirements in order to remain in compliance.

On behalf of the administrators who will have to implement these regulations, I urge you to reconsider the amendments to Section 4.52. We oppose making the PSSA a high

J. Buckheit/Chapter 4
November 30, 2005
Page 5

school exit exam. We fear that the unguided discretion given the Secretary to overturn local assessments and local graduation criteria will have this effect.

Sincerely,

A handwritten signature in black ink, appearing to read "Stinson W. Stroup". The signature is written in a cursive style with a large initial "S".

Stinson W. Stroup
Executive Director

Original: 2499



Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

December 6, 2005

Dr. Charlene M. Brennan
Executive Director
Colonial Intermediate Unit 20
6 Danforth Drive
Easton, PA 18045-7899

Dear Dr. Brennan:

Thank you for your letter of November 21, 2005 on proposed 22 Pa. Code, Chapter 4, academic standards and assessments.

Your letter is considered as official public comment and is being shared with all members of the Board. Pursuant to the provisions of the Regulatory Review Act, copies of your comments are also being provided to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Education Committees.

The regulatory Review Act provides that information on proposed and final regulations be mailed to public commentators at their request. If you would like to receive the final-form of these regulations when they are finalized, please make your request to me in writing at the address printed below.

Sincerely yours,

A handwritten signature in cursive script that reads "Jim Buckheit".

Jim Buckheit
Executive Director

cc: Members of the State Board
Senator Rhoades
Senator Musto
Representatives Stairs
Representatives Roebuck
IRRC



Original: 2499

COLONIAL INTERMEDIATE UNIT 20*A Regional Service Agency*

6 Danforth Drive
Easton, PA 18045-7899

Telephone (610) 515-6403 • FAX (610) 252-5740

Office of the Executive Director

December 3, 2005

Mr. Karl R. Girton, Chairperson
STATE BOARD OF EDUCATION
333 Market Street
Harrisburg, PA 17126-0333

Dear Mr. Girton and State Board Members:

As the Executive Director of the Colonial Intermediate Unit 20 in Easton, Pennsylvania, and on behalf of the 13 school district superintendents in our service area, I would like to provide a response to the proposed changes to the current Chapter 4 curriculum regulations; in particular, I would like to offer comments on the proposed language regarding high school graduation requirements and certification for local assessments.

We within the IU 20 service region register our serious opposition to language that would require the Pennsylvania Department of Education to certify that local assessments used for high school graduation requirements are comparable to the proficient level on the PSSA.

Our opposition comes from the following problems and issues with such a certification process:

1. The No Child Left Behind Act (NCLB), requirements for Adequate Yearly Progress (AYP) under No Child Left Behind (NCLB), and the accompanying NCLB sanctions for not meeting proficiency benchmarks make the proposed Chapter 4 language to certify local assessments as comparable to the PSSA unnecessary. The NCLB's serious sanctions for not meeting AYP are incentive enough for districts to work locally to ensure that any local assessments used to determine graduation requirements are comparable on proficiency levels to the PSSA. Since multiple local assessments are used as touch points at various times throughout the year to gauge how students will perform on the PSSA, districts already strive to use assessments that are comparable in proficiency.

Revolutionary Thinking . . . Makes a Difference

2. Because the 11th grade PSSA's are given a full year BEFORE a student's graduation, it would be inappropriate and wrong to draw inferences regarding the comparability of students' 11th grade PSSA performance with performance on local assessments a full academic year later, especially for that of students who score on the cusp of basic and proficient on the PSSA. Another full academic year of instruction and remediation could very well move these students to proficient levels of performance. Additionally, since the PSSA retest for 12th grade students not scoring proficient on the PSSA in 11th grade is given in the Fall of their senior year, BEFORE the students have experienced another full year of instruction and interventions, it again would be inappropriate and wrong to draw inferences from comparing performance on the retest with the number of students graduating based on local assessments.

3. The current Chapter 4 regulations support extensive research that has time and time again demonstrated the importance of using multiple forms of student assessment to determine academic proficiency by positively encouraging districts to use multiple assessments to gauge student performance in several sections of Chapter 4 but particularly on pages 33-34 (high school graduation requirements). Assessments encouraged include written work by students; scientific experiments conducted by students; other demonstrations, products, projects by students related to specific academic standards; examinations developed by teachers to assess specific academic standards, and evaluations of portfolios of student work related to academic standards. If a district uses these multiple forms of assessment as provided for in Chapter 4 in the high school graduation requirements section and as supported by solid scientific research, the burden of proving that every form of assessment a school district uses is comparable to the proficient level on the PSSA would be time-consuming and difficult at best, impossible at worst. The point of multiple assessments is that they comprise a whole picture of a student's overall proficiency in academic performance, rather than a snapshot taken through one test, such as the PSSA. The PSSA should be one part of the picture, not the whole picture. In addition, how does a district demonstrate comparability of the written portions of a particular 11th grade scientific experiment conducted by students to the PSSA writing assessment? How does a district demonstrate that the reading required to complete the experiment is comparable to the reading portion of the PSSA? How does the district demonstrate this for all the assessments it uses for reading, math, and writing? Students who do not do well on a single administration of a test can certainly do well over time given real, hands-on application of those very skills tested, yet it would be almost impossible to demonstrate the comparability of each assessment to the PSSA.

4. The proposed Chapter 4 language on page 8 says, "Children with disabilities may attain academic standards by completion of their Individualized

Education Plans under the Individual with Disabilities Act and this part." There is no provision in the proposed high school graduation language later in the Chapter to allow for the continued use of the local assessments provided for in the IEP to be used for graduation of special education students without the potential for having to certify each assessment in an IEP. This is cause for severe concern as it will almost eliminate a district's ability to graduate special education students, (1) if it either needs to show that those local assessments in each IEP are comparable to the PSSA at the proficient level, or (2) if because of its inability to demonstrate the comparability, it must use the PSSA for graduation.

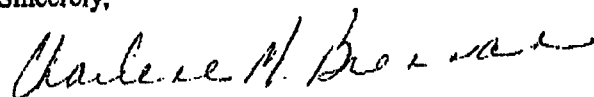
5. A similar concern is raised in regard to English Language Learners. Students who have not mastered the English language may not perform well on a single test of their performance but certainly may demonstrate proficiency given multiple assessments over a longer period of time.
6. In areas of high transitory and/or growing populations of students, (IU 20 includes the number 1 (Pike), number 2 (Monroe) and number 6 (Northampton) fastest-growing counties in the state), it would be inappropriate to use the scores of incoming juniors and seniors in the comparison of graduation rate and PSSA scores. These school districts will not have had an opportunity to intervene and provide remediation to incoming students, and the result will simply be to make a false assumption that local assessments are out of line with the PSSA. The local district will be held accountable for the failure of other school districts, including those out of state, to prepare our students to take the PSSA.
7. The language in the proposed Chapter 4 regulations places the burden of proving the local assessments are comparable to the PSSA on the local school district. Given districts' use of multiple assessments, this will place another bureaucratic, unfunded mandate on school districts. The initial report that is to be submitted alone is another bureaucratic hurdle, given that the very information sought by the Department of Education, (number of students passing the PSSA and the graduation rate), is provided in the local district report card. Why ask districts to submit it again? Also, as stated above, the burden on districts to prove that each and every assessment it uses for graduation is comparable to the PSSA will be next to impossible and very costly. Why put this language in place when the checks and balances are already in place, that being local communities' concern for student achievement and NCLB sanctions?
8. Given the multiple factors that can affect a student's performance on a single test which is given a single time makes this issue one of a local nature, not a state-level one. Communities and school boards armed with information

regarding PSSA performance and graduation rates are capable of addressing any concerns arising from this data.

9. Given the overly burdensome process of proving each form of assessment used for high school graduation at the local level is comparable to the PSSA, districts may simply be required by PDE to use the PSSA as their sole graduation criterion, since it will be so difficult to show comparability of local assessments to the multiple forms of the PSSA. That is a sad message from our State Board of Education and Department of Education. Reliance on a single test flies in the face of all existing research that points to the necessity of using multiple forms of assessment to determine proficiency. Given this very research, graduating MORE students than passed the PSSA is not a negative but a positive because it demonstrates our knowledge of the limited usefulness of a single test to determine a student's proficiency for graduation and our commitment to the use of multiple forms of assessment as a more accurate picture of performance.

For all of the above reasons, we officially request that the proposed Chapter 4 regulations requiring the certification of local assessments to the PSSA tests be removed. The language ignores the importance of multiple assessments versus single test criterion for graduation; fails to make provisions for the special needs of special education and ESL students who most benefit from multiple forms of assessment; fails to take into account the time lag between the administration of the 11th grade PSSA and retest and student graduation; fails to address the impact of growing and transitory student populations; and places an impossible and costly burden on school districts, a burden and cost that is unnecessary when NCLB sanctions and local community concern provide incentives enough to ensure school districts' multiple forms of assessment are comparable to proficiency on the PSSA.

Sincerely,



Charlene M. Brennan, D.Ed.
Executive Director
Colonial Intermediate Unit 20

C: Colonial IU 20 Superintendents

Original; 2499



2005-020-8 11/30/05
REVIEW COMMISSION

Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

December 7, 2005

Dr. Theresa A. Prato
Bucks County Technical High School
610 Wistar Road
Fairless Hills, PA 19030

Dear Dr. Prato:

Thank you for your letter of November 30, 2005 on proposed 22 Pa. Code, Chapter 4, academic standards and assessments.

Your letter is considered as official public comment and is being shared with all members of the Board. Pursuant to the provisions of the Regulatory Review Act, copies of your comments are also being provided to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Education Committees.

The regulatory Review Act provides that information on proposed and final regulations be mailed to public commentators at their request. If you would like to receive the final-form of these regulations when they are finalized, please make your request to me in writing at the address printed below.

Sincerely yours,

A handwritten signature in cursive script that reads "Jim Buckheit".

Jim Buckheit
Executive Director

cc: Members of the State Board
Senator Rhoades
Senator Musto
Representatives Stairs
Representatives Roebuck
IRRC

Theresa A. Prato

Bucks County Technical HS
610 Wistar Road
Fairless Hills, PA 19030

Original: 2499

2005 020 - 0 1113 20

REC'D DEC 02 2005

November 30, 2005

State Board of Education
333 Market Street, First Floor
Harrisburg, PA 17126-0333

Dear Mr. Jim Buckheit:

This letter serves to provide you my comments and objections to the Proposed Chapter 4 Regulations for Academic Standards and Assessment as they appeared in the Volume 35 Number 5 of the Pennsylvania Bulletin on Nov. 5, 2005.

Section 4.52. Local Assessment System

(c) (2) The proficient level on the local assessment shall be comparable to the proficient level on the PSSA.

(c) (3) The Department will determine whether a school entity is meeting the requirements of paragraph (2). School entities that use one or more local assessments for the purpose of determining whether a student is proficient as outlined in § 4.24(a) shall submit an annual report on a form and in a manner determined by the Department certifying the comparability or alignment between the PSSA and the local assessment or assessments and providing data specified by the Department to support the certification. The existence of significant numbers of students not achieving proficiency on the PSSA who are deemed proficient by a local assessment will raise an inference that the local assessment is not aligned with the PSSA or the PSSA's meaning of proficient. A school entity whose certification is rejected by the Department shall use the PSSA for the purposes of § 4.24(a) until the school entity receives Department approval that a local assessment or assessments meets the requirements of paragraph (2).

(c) (4) If the report and certification are not submitted as required, or if the Secretary is not satisfied with the form or accuracy of the report and certification that have been submitted by the school entity, the Secretary will exercise the powers under section 2552 of the School Code (24 P. S. § 25-2552) regarding withholding State appropriations, in a manner that is consistent with law, until the Secretary is satisfied that the school entity is in compliance with this chapter.

I understand that HumRRO conducted a series of studies for the PDE related to the validity of the PSSA and produced a report with their findings. I have read the report thoroughly and am familiar with their findings. No where in that report does it state that the PSSA questions are racially, ethnically, socioeconomically, generationally and culturally **unbiased**. Nowhere in that report does it state that the PSSA questions are the **only** appropriate questions for measuring the academic content specified by the State Standards. Yes, the report states that "the scores produced by the PSSA correlate positively and significantly with pertinent scores produced on related tests such as Terra Nova, Stanford Achievement Test, etc." (Thacker 2004) But, that still does not address the question of whether the test **fairly** and **accurately** measures the ability of all, or even most students, to demonstrate their understanding of the content specified by the State Standards.

To propose that a local assessment is not aligned with the PSSA because more students are proficient in the local assessment than in the PSSA is nothing short of discrimination against students that cannot understand the questions in the PSSA because of its bias towards students with learning disabilities, students with cultural and socioeconomic differences and students that have different learning styles.

Consider the 11th grade Mathematics Assessment. The open-ended items on the mathematics assessment require students to not only correctly solve the problem, but to show all work and give a written explanation of how the problem was solved. Any student with a language disability or the inability to verbalize how they solve problems cannot get full credit on the question even if they solve it correctly. A local assessment might instead choose to present several different problems representing the same content and require the student to solve all of the problems.

Next, consider the 11th grade Writing Assessment. The current assessment provides a series of prompts that the student must use as the basis for essays to be written. The scoring guide does not require grade level vocabulary to be used in the essays. However, the prompts often include key words that are outside the vocabulary base of many students. These students may be very proficient at writing essays that have focus, illustrative content, organization and style and have acceptable control of grammar mechanics and spelling, but their essays receive lower scores because they did not understand what one or more prompts were saying. Worse yet, some students simply give up and do not write the essay because they have no idea what the prompt means and they do not want to look foolish by guessing. Yes, students consider no answer less embarrassing than writing the wrong answer. A local assessment might include prompts that are more appropriate for the community, language level and/or interests of the students yet still appropriately assess students understanding of the content in the State Standards.

Lastly, look at the 11th grade Reading Assessment. The topics of the reading passages are such that students give up on the reading simply because of lack of interest or use of words that are culturally or socioeconomically biased. They are outside the realm of many students' understanding. They may be able to read and comprehend information written at their grade level, but the vocabulary and topics are exclusionary and boring. A local assessment might include reading passages about things going on at school or in the community, or they might discuss topics that are currently of interest to high school students such as music, clothing, body art, sports, etc.

When addressing the question, "Does the PSSA adequately measure the academic content specified by the State Standards contained in Chapter 4", the report by HumRRO specifically states:

- *Item difficulty is not similar by type. Multiple-choice items tended to discriminate best at the lower and middle portions of the scale. Performance-task items tended to discriminate across the scale, with scores of 4 or 5 only reached by the very highest ability students.*
- *Content is not distributed evenly by item type. Content standards are written such that item type seems implied by the standard. For instance, all reading performance-task items carry a code for "reading, analyzing and interpreting literature." The standard is also assessed by multiple choice items, but it seems clear that an aspect of the standard is tied to students' ability to respond to the performance-task prompts.*
- *Some PSSA tests discriminate best (have the smallest error estimates) within the lower performance categories (Below Basic and Basic)*
- *Very few students score 3, 4, or 5 points on several mathematics performance-task items, often leading to item parameters that are difficult to interpret.*

And, despite the above-mentioned observations in the report, and the test deficiencies that I have pointed out, the proposed changes to Chapter 4 aim to mandate the PSSA as the ONLY adequate assessment if more students score proficient on local assessments than on the PSSA. As a classroom teacher that spends every day teaching and evaluating students, the concept of "my way or the highway" is in direct opposition to all that I have been taught. My years of post-secondary education and my experience in the classroom, especially teaching students with special needs, has taught me that the purpose of an assessment tool is to assess the students' understanding of the required

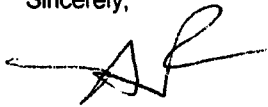
content, not "fake them out" or cause them to be so confused by the assessment tool itself that they cannot appropriately demonstrate their proficiency in the content. If students are continuously failing a given test, the appropriateness and effectiveness of the test need to be considered as much as the possible lack of proficiency of the students.

To make matters worse, Chapter 4 proposes to withhold state funding if too many students do not reach proficiency on the PSSA but reach proficiency on a local assessment because the local assessment must be "too easy". That is an insult to those of us that work very hard to create valid and appropriate assessment tools.

Many of us teach students that have learning styles that are in direct conflict with standardized tests. Many of us teach students that have learning disabilities that become magnified with certain types of questions or tasks. Many of us teach students whose abilities, efforts, knowledge and creativity are labeled useless and inadequate because they cannot score proficient on the PSSA. Is the PDE not willing to recognize the shortcomings of a single standardized test? The NCAA recognizes it by allowing for students with higher GPAs to score lower on the SAT and still be academically eligible to compete. Most accredited colleges and universities recognize it by not using the SAT as an exclusionary tool but rather one piece of a student's application. Why does the PDE feel the need to exclude students from graduating by putting so much emphasis on a standardized test...especially one that is so shortsighted?

Approving the proposed changes to Section 4.52 of the Chapter 4 regulations is a bad idea and will have disastrous results. The changes are so exclusionary and discriminating that they fail to accurately demonstrate the abilities of the students and instead magnify the disabilities of the students.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Prato', with a long horizontal line extending to the left.

Theresa A. Prato, M.Ed.
Bucks County Technical HS Science Teacher

Original: 2499

IRRC

From: Smith, James M.
Sent: Friday, December 16, 2005 11:54 AM
To: IRRC
Subject: FW: PSEA's position statement re: Ch. 4



Ch 4 position stmt
to House Ed...

Please file as comment on #2499.

-----Original Message-----

From: Karl, Carol [PA] [mailto:ckarl@psea.org]
Sent: Friday, December 16, 2005 11:49 AM
To: Smith, James M.
Subject: PSEA's position statement re: Ch. 4

As we discussed.

Carol L. Karl
Assistant Director for
Government Relations
PSEA
717-255-7094
ckarl@psea.org <mailto:ckarl@psea.org>

PSEA LEGISLATIVE POSITION

Leadership for Public Education

James R. Weaver, President • James Testerman, Vice President • Grace Bekaert, Treasurer

Pennsylvania State Education Association • 400 North Third Street, PO Box 1724, Harrisburg, PA 17105-1724

House Education Committee

PSEA Opposes Proposed Revisions to 22 Pa.Code Ch. 4

The Pennsylvania State Education Association opposes certain revisions to Chapter 4 of Title 22 of the Pennsylvania Code that have been sent to the House Education Committee by the State Board of Education. PSEA asks this Committee to ask the State Board to remove proposed subsections (2), (3) and (4) of Section 4.52.

These proposed sections would eviscerate the local assessment systems that have been developed and used by local school districts to determine whether their students are proficient on the Pennsylvania academic standards. That is, the proposed language would establish in regulation a presumption that the statewide one-shot PSSA test is **THE** single accurate measure of whether a student is proficient. It would authorize the Department of Education to compel districts to adjust their local assessments so that their results more closely match the PSSA results. If districts are compelled to do so, the potential for unfair harm to students is severe:

- The proposed changes would lead to denying students high school diplomas who have proven through local assessments that they have mastered the material laid out in Pennsylvania's academic standards.
- The changes would turn the PSSA from its original intended use as an assessment tool into a high stakes exam that could seriously harm the futures of students who have proven themselves through their academic work and performance.
- Scoring a few points above or below a line that has been deemed to be "proficient" on a standardized test could mean the life-altering difference between whether a young person goes out into the world as a high school graduate or a high school failure.
- A recent study by the Human Resources Research Organization (HumRRO) concluded that 59 percent of students who were considered to have "failed" their PSSAs were enrolled by the studied universities in college level math and English courses. Under the proposed changes, these students may have been denied graduation from high school.

Concern about the harm these Ch. 4 changes would inflict on students is widespread. Five professional education organizations signed a Joint Statement opposing these changes: the Pennsylvania State Education Association (PSEA), the Pennsylvania School Boards Association (PSBA), the Pennsylvania Association of Vocational Administrators (PAVA), the American Federation of Teachers (AFT), and the Pennsylvania Association of School Administrators (PASA). This Joint Letter, which provides a thorough and detailed analysis, was sent to you under cover of a letter from PSBA dated November 23, 2005. It is also available at www.PSEA.org/article.cfm?SID=855.

Laurel McLeaish
Assistant Director of Government Relations
255-7055



Original: 2499

IRRC

From: Smith, James M.
Sent: Tuesday, January 03, 2006 7:54 AM
To: IRRC
Subject: FW: Education for Pa. Students

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 PITTSBURGH
 FEDERAL BUREAU OF INVESTIGATION
 U.S. DEPARTMENT OF JUSTICE

#2499

-----Original Message-----

From: FrauBaird@aol.com [mailto:FrauBaird@aol.com]
Sent: Thursday, December 29, 2005 12:39 PM
To: Smith, James M.
Subject: Education for Pa. Students

211 Overlook Drive
 Pittsburgh, Pa. 15216
 Dec. 29, 2005

Dear Mr. Smith,

Why have academic standards for world languages not yet been adopted?? Because you are looking at these standards again, I am writing you with some of my concerns.

For Americans to succeed in the future, they must compete not only within our borders but beyond them. In order for our system of capitalism to thrive, it must seek and obtain **new markets**---many of these must be beyond our borders. Something that holds us back is our lack of language and cultural understanding, i.e., these skills must be equal to or better than those of our global competitors. Have you yet read the book **THE WORLD IS FLAT** by Thomas Friedman?

To thrive economically, Pennsylvania must also be able to **attract foreign businesses** to invest and to build here. Many other states are creating fertile fields for such investments by educating their citizens to be knowledgeable about world languages and cultures. International businesses feel more welcome in such states when the citizens know how to interact with them.

Our recent experiences in Iraq have shown the importance of cultural understanding and the problems that can arise when there is lack of knowledge or where there is misunderstanding of culture.

The minds of our students must be broadened to be able to deal with crosscultural issues in business, in politics, and in security interests. It is NOT a luxury, it is a **NECESSITY** because others in other states and in the rest of the world are doing a better job of it.

As I am sure you are know, the Academic Standards for World Languages for all students have not yet been approved. World Languages is the only core content area that still has not approved mandated academic standards. I request that you add your voice to the voices of Pennsylvania educators, students, business leaders and parents who understand that world language study is an essential component of the skills all PA children need to function in our multicultural- multilingual country/world and ensure that Pennsylvania can compete in the global marketplace.

I teach in a school with an international baccalaureate program. In that curriculum the subject **area of world languages is second in importance**, after world literature. It is not at the bottom of the pile of subjects. This curriculum is designed to be equal to that of what other countries offer their students.

I am also the president of the **Cultural Communications Alliance**, a group of business professionals, language teachers, and university leaders who promote the importance of world languages and cultures through the sponsorship of an international marketing competition for high school students. Our mentors are the Bayer and H.J. Heinz corporations. We also work with Seagate, Chorus Call/Compunetix, the University of Pittsburgh, Duquesne University, and Pittsburgh's World Affairs Council. All of us volunteer our time because of our strong beliefs in the importance of world languages and cultures for the students of our region. Can Pennsylvania not also begin to recognize this importance by adopting standards for world languages, just as we have standards for gym, home ec, etc.?

1/3/2006

Recent **misunderstandings** surrounding the adoption of the world language standards have been expressed by some in Harrisburg. These points have been addressed by world language professional organizations and individuals throughout the state:

1) There is a lack of qualified teachers to teach world languages.

The adoption of academic standards for world languages will encourage our young people to enter into world language teacher training programs. There is an increased awareness in Washington D.C. of the need for language specialists due to current world affairs. Academic standards will communicate the equity and worthiness of world language teaching as a viable profession.

2) Intellectually challenged students cannot learn a world language.

All other countries with similar challenges have special needs students who leave school knowing multiple languages. We have many models of how to meet all students' needs through the inclusion model, differentiation in instruction and assessment, accommodations and adaptations- which are already in place for other content areas and are currently alive in many world language classrooms. These best practice models simply require continued replication in all world language classrooms.

3) The proficiency levels for world languages are defined as advanced, proficient, basic and below basic.

The world language proficiency levels are not patterned after the proficiency levels for language arts. Proficiency in a world language follows the national standards for world languages and the American Council of Teachers of Foreign Languages. Proficiency in a world language is defined as attaining survival skills in an authentic setting. A student can achieve proficiency in one or more of the standards and move through stages of increasing levels of achievement over time in a program of study.

Our state continues to move forward to reform all levels of our schools to ensure that we are teaching our students the skills they will need to compete globally for high skilled jobs and to be life long learners in a diverse world community. How can one **compete in global businesses and cooperate in international initiatives** when others have more international skills?? Please ensure that the subject of world languages is a vital part of Pennsylvania's initiatives. Adoption of the Proposed Academic Standards for World Languages is an important first step in this process.

Respectfully,

Deanna Baird

Original IRRRC; 2499

From: Smith, James M.
Sent: Tuesday, January 03, 2006 7:54 AM
To: IRRRC
Subject: FW: Proposed Academic Standards for World Languages

#2499

-----Original Message-----

From: Bruno and Bonna Cafiso [mailto:bcafiso@ptd.net]
Sent: Thursday, December 29, 2005 1:54 PM
To: Smith, James M.
Subject: Proposed Academic Standards for World Languages

Dear Mr. Smith:

The Academic Standards for World Languages for all students have not yet been approved. World Languages is the only core content area that still has not approved mandated academic standards. We request that you add your voice to the voices of Pennsylvania educators, students, business leaders and parents who understand that world language study is an essential component of the skills all PA children need to function in our multicultural- multilingual country/world and ensure that Pennsylvania can compete in the global marketplace

Recent **misunderstandings** surrounding the adoption of the world language standards have been expressed by some in Harrisburg. These points have been addressed by world language professional organizations and individuals throughout the state:

1) There is a lack of qualified teachers to teach world languages.

The adoption of academic standards for world languages will encourage our young people to enter into world language teacher training programs. There is an increased awareness in Washington D.C. of the need for language specialists due to current world affairs. Academic standards will communicate the equity and worthiness of world language teaching as a viable profession.

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Our state continues to move forward to reform all levels of our schools to ensure that we are teaching our students the skills they will need to compete globally for high skilled jobs and to be life long learners in a diverse world community. Please ensure that world languages is a vital part of these initiatives. Adoption of the Proposed Academic Standards for World Languages is an important first step in this process.

Respectfully,
Bruno and Bonna R. Cafiso

1/3/2006

IRRC

Original: 2499

From: Smith, James M.
Sent: Tuesday, January 03, 2006 7:54 AM
To: IRRC
Subject: FW: PA World Language Standards

#2499

-----Original Message-----

From: Robert Giordano [mailto:robe@enter.net]
Sent: Thursday, December 29, 2005 6:52 AM
To: Smith, James M.
Subject: PA World Language Standards

December 29, 2005

Dear Mr. Smith:

The Academic Standards for World Languages for all students have not yet been approved. World Languages is the only core content area that still does not have approved academic standards. I request that you add your voice to the voices of Pennsylvania educators, students, business leaders and parents who understand that world language study is an essential component of the skills all our children need to compete in the global marketplace.

Recent **misunderstandings** surrounding the adoption of the world language standards have been expressed by many in Harrisburg. These points have been addressed by world language professional organizations and individuals throughout the state:

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1/3/2006

proficiency in one or more of the standards and moves through stages of increasing levels of achievement over time in a program of study.

Our state continues to move forward to reform all levels of our schools to ensure that we are teaching our students the skills they will need to compete globally for high skilled jobs and to be life long learners in a diverse world community. Please ensure that world languages is a vital part of these initiatives. Adoption of the Proposed Academic Standards for World Languages is an important first step in this process.

Respectfully,

Renee Cartier
1547 Gable Drive
Coopersburg, PA 18036

IRRC

From: Smith, James M.
Sent: Tuesday, January 03, 2006 7:53 AM
To: IRRC
Subject: FW: World Language Education

#2499

-----Original Message-----

From: trac961@aol.com [mailto:trac961@aol.com]
Sent: Thursday, December 29, 2005 5:58 PM
To: Smith, James M.; costa@pasenate.com; fontana@pasenate.com; ferlo@pasenate.com; fpistell@pahouse.net; 00statbd@psupen.psu.edu
Subject: World Language Education

Dear Honorables,

The Academic Standards for World Languages for all students have not yet been approved. World Languages is the only core content area that still has not approved mandated academic standards. I request that you add your voice to the voices of Pennsylvania educators, students, business leaders and parents who understand that world language study is an essential component of the skills all PA children need to function in our multicultural-multilingual country/world and ensure that Pennsylvania can compete in the global marketplace

Recent **misunderstandings** surrounding the adoption of the world language standards have been expressed by some in Harrisburg. These points have been addressed by world language professional organizations and individuals throughout the state:

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The adoption of academic standards for world languages will encourage our young people to enter into world language teacher training programs. There is an increased awareness in Washington D.C. of the need for language specialists due to current world affairs. Academic standards will communicate the equity and worthiness of world language teaching as a viable profession.

2) Intellectually challenged students cannot learn a world language.

All other countries with similar challenges have special needs students who leave school knowing multiple languages. We have many models of how to meet all students' needs through the inclusion model, differentiation in instruction and assessment, accommodations and adaptations- which are already in place for other content areas and are currently alive in many world language classrooms. These best practice models simply require continued replication in all world language classrooms.

3) The proficiency levels for world languages are defined as advanced, proficient, basic and below basic.

The world language proficiency levels are not patterned after the proficiency levels for language arts. Proficiency in a world language follows the national standards for world languages and the American Council of Teachers of Foreign Languages. Proficiency in a world language is defined as attaining survival skills in an authentic setting. A student can achieve proficiency in one or more of the standards and move through stages of increasing levels of achievement over time in a program of study.

Our state continues to move forward to reform all levels of our schools to ensure that we are teaching our students the skills they will need to compete globally for high skilled jobs and to be life long learners in a diverse world community. Please ensure that world languages is a vital part of these initiatives. Adoption of the

1/3/2006

Proposed Academic Standards for World Languages is an important first step in this process.

Respectfully,
Tracy Tymoczko
Teacher: Woodland Hills School District

IRRC

Original; 2499

From: Smith, James M.
Sent: Tuesday, January 03, 2006 7:52 AM
To: IRRC
Subject: FW: Standards for World Languages

#2499

-----Original Message-----

From: srakerr@comcast.net [mailto:srakerr@comcast.net]
Sent: Friday, December 30, 2005 4:18 PM
To: Smith, James M.
Subject: Standards for World Languages

Dear Mr. Smith,

The Academic Standards for World Languages for all students have not yet been approved. World Languages is the only core content area that still has not approved mandated academic standards. I request that you add your voice to the voices of Pennsylvania educators, students, business leaders and parents who understand that world language study is an essential component of the skills all PA children need to function in our multicultural- multilingual country/world and ensure that Pennsylvania can compete in the global marketplace

Recent **misunderstandings** surrounding the adoption of the world language standards have been expressed by some in Harrisburg. These points have been addressed by world language professional organizations and individuals throughout the state:

1) There is a lack of qualified teachers to teach world languages.

The adoption of academic standards for world languages will encourage our young people to enter into world language teacher training programs. There is an increased awareness in Washington D.C. of the need for language specialists due to current world affairs. Academic standards will communicate the equity and worthiness of world language teaching as a viable profession.

2) Intellectually challenged students cannot learn a world language.

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1/3/2006

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Respectfully,
Nancy L. Kerr

IRRC Original: 2499

From: Smith, James M.
Sent: Tuesday, January 03, 2006 7:53 AM
To: IRRC
Subject: FW: (no subject)

#2499

-----Original Message-----

From: TOMMYDEVIN@aol.com [mailto:TOMMYDEVIN@aol.com]
Sent: Friday, December 30, 2005 8:55 AM
To: dpileggi@pasen.gov
Cc: Smith, James M.
Subject: (no subject)

Dear Senator Pileggi:

The Academic Standards for World Languages for all students have not yet been approved. World Languages is the only core content area that still has not approved mandated academic standards. I request that you add your voice to the voices of Pennsylvania educators, students, business leaders and parents who understand that world language study is an essential component of the skills all PA children need to function in our multicultural- multilingual country/world and ensure that Pennsylvania can compete in the global marketplace

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Our state continues to move forward to reform all levels of our schools to ensure that we are teaching our students the skills they will need to compete globally for high skilled jobs and to be life long learners in a diverse world community. Please ensure that world languages is a vital part of these initiatives. Adoption of the Proposed Academic Standards for World Languages is an important first step in this process.

Senator Pileggi, on a more personal note, as a teacher who has changed professions to enter into the teaching world, I think it is critical that all disciplines are held to a core set of standards. This unifies the teaching of the discipline and offers a consistency vital to all students. Having taught your daughter Gabrielle her sophomore year at O'Hara, I know that she would

1/3/2006

have enjoyed her class so much more had there been core standards between her old school and our school. I hope that you will lend your powerful support to this legislation and help improve the education of World Languages to all students in Pennsylvania.

Respectfully,

Eileen Rudisill
Spanish Teacher
Cardinal O'Hara High School
Springfield, Delaware County, Pennsylvania

IRRC Original: 2499

From: Smith, James M.
Sent: Tuesday, January 03, 2006 7:51 AM
To: IRRC
Subject: FW: World Language Standards

#2499

-----Original Message-----

From: Brigitte Storey [mailto:berlin_51@comcast.net]
Sent: Saturday, December 31, 2005 5:03 PM
To: Smith, James M.
Subject: World Language Standards

Dear Mr. Smith,

The Academic Standards for World Languages for all students have not yet been approved. World Languages is the only core content area that still has not approved mandated academic standards. I request that you add your voice to the voices of Pennsylvania educators, students, business leaders and parents who understand that world language study is an essential component of the skills all PA children need to function in our multicultural- multilingual country/world and ensure that Pennsylvania can compete in the global marketplace

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1/3/2006

Standards for World Languages is an important first step in this process.

Respectfully,

Brigitte Storey
berlin_51@comcast.net

IRRC

From: Smith, James M.
Sent: Tuesday, January 03, 2006 7:52 AM
To: IRRC
Subject: FW: Pass World Language Standards

#2499

-----Original Message-----

From: Amanda Adams [mailto:aadams122003@yahoo.com]
Sent: Saturday, December 31, 2005 10:18 AM
To: 00statbd@psupen.psu.edu; Smith, James M.
Subject: Pass World Language Standards

To Whomever It May Concern:

The Academic Standards for World Languages for all students have not yet been approved. World Languages is the only core content area that still has not approved mandated academic standards. I request that you add your voice to the voices of Pennsylvania educators, students, business leaders and parents who understand that world language study is an essential component of the skills all PA children need to function in our multicultural- multilingual country/world and ensure that Pennsylvania can compete in the global marketplace

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Respectfully,

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