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REGISTRY
REVIEW COMMISSION

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

HARBOR CREEK SCHOOL DISTRICT

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November 18, 2005

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Jim Buckheit, Executive Director
State Board of Education
333 Market Street
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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.**

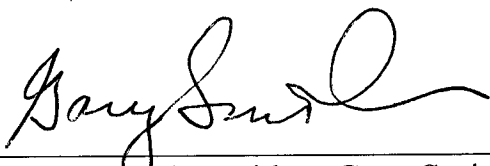
Major change: Assessments as a graduation requirement. The proposed language allows the use of local assessments, but requires such assessments to be aligned with the PSSA. **School entities would certify the alignment between the local assessment and the PSSA to PDE. If more students achieve proficiency 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
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