

Original: 2499



Commonwealth of Pennsylvania  
**STATE BOARD OF EDUCATION**

December 6, 2005

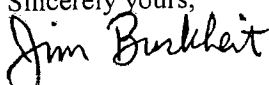
Dr. Charlene M. Brennan  
Executive Director  
Colonial Intermediate Unit 20  
6 Danforth Drive  
Easton, PA 18045-7899

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,  
  
Jim Buckheit  
Executive Director

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



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**COLONIAL INTERMEDIATE UNIT 20***A Regional Service Agency*

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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.

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2. Because the 11<sup>th</sup> 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' 11<sup>th</sup> 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 12<sup>th</sup> grade students not scoring proficient on the PSSA in 11<sup>th</sup> 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 11<sup>th</sup> 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.

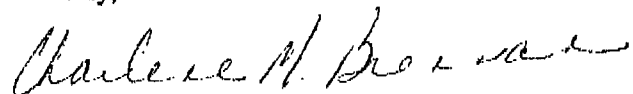
5. A similar concern is raised in regard to English Language Learners. Students who have not mastered the English language may not perform well on a single test of their performance but certainly may demonstrate proficiency given multiple assessments over a longer period of time.
6. In areas of high 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 11<sup>th</sup> 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