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INDEPENDENT REGULATORY  
REVIEW COMMISSION

August 15, 2008

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

Dear Mr. Coccodrilli:

The Pennsylvania School Boards Association would like to recommend that the Independent Regulatory Review Commission disapprove the final-form Keystone Educational Accountability Standards and Indicators (22 PA Code. § 405) as revised and re-submitted by the Department of Education on July 21, 2008.

While the goals of improving school district management practices and use of resources are worthy, the system established under these KEA standards for self-assessments and state compliance reviews remains ambiguous, time consuming and unwieldy. Although the Department of Education has made some changes in an attempt to clarify the requirements, many questions and concerns remain.

The plan calls for school districts to be reviewed by the department on a six-year cycle for compliance with a set of standards and indicators covering a broad range of administrative and operational areas. School districts that meet these criteria will be certified for six years; those found to be deficient must develop a three-year action plan for compliance. Districts also must conduct self-assessments prior to state inspection.

The list of indicators is overwhelming as almost every facet of a school district's operation is covered, from providing an effective education, to communicating to the public, to maintaining its facilities, to maintaining an effective food service operation and transporting of students. The document creates 11 separate sets of standards for compliance, with each set containing a list of numerous indicators for each requirement. Under the proposed rule, our organizations had questioned which indicators would carry the most weight and whether certain indicators would be required. Under the final-form standards, the Department of Education has responded to those questions by implying that all of the indicators are the norms that must be met. At the same time, the department also removed language from the proposed rule that stated that literal compliance with each is not required. We believe that this change puts too much emphasis on the process rather than on the results. In other words, a district could find itself in compliance with a standard, but out of compliance with the various indicators that lead up to a judgment that the district had met the standard. The language change also begs the question: Which is more important, compliance with the standard or compliance with the many different indicators?

Additionally, because of the breadth of the indicators, we wonder how the Department of Education will be able to perform or contract for comprehensive reviews on such a wide range of issues in a timely manner.

The mandated self-assessment that districts must perform may be costly and will require department heads and directors of various activities to spend a large amount of time and effort to produce the type of information required.

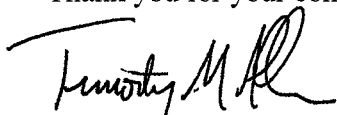
The final-form document remains vague in its attempts to clarify that the school board must hold the superintendent and staff to be held accountable for achieving “the educational goals set for the district and its schools consistent with the No Child Left Behind Act.” In the context of public education “accountability” means different things to different groups of people. To a school district, “accountability” could come in the form of a demotion, transfer or other action allowable in law. To a taxpayer or legislator, “accountability” may mean loss of job or a suspension. Whose notion of “accountability” would count school districts’ or someone else’s? What is the penalty? Who decides?

Perhaps the most ambiguous and confusing language appears at the end of Chapter 405 with the addition of two new sections. Section 405.14 requires districts to be reviewed for compliance “to the extent that funds are provided for this purpose in the general appropriation act each year.” Does this mean that the department will not conduct compliance reviews unless there is a specific line item in the state budget each year for KEA reviews? Can the department or the governor’s office decide that other money in the state budget could be used to conduct reviews? What if there were no state funds appropriated for several years and then suddenly funding was appropriated? What if funds were appropriated next year and reviews were begun and then there was no money the following year? Only some of the districts would be designated and others would not have the opportunity to be certified. Essentially, the entire program becomes unenforceable and meaningless as time goes by and each year districts and the department wait to find out if state money is appropriated.

Finally, the statute requires review teams to use information about school districts available through the existing school evaluation services reports. These reports and the related information gathering process are no longer in use. Therefore review teams would have no current information on which to base their final report and would have to uncover the necessary information themselves. We believe that this additional effort would add additional time and expense to the process and render it more invasive to school districts than originally contemplated.

PSBA suggests that Chapter 405 should be disapproved by IRRC or withdrawn by the department. If such a rule is deemed necessary, these standards and indicators should be established instead as a guideline for districts to follow. As drafted, this chapter leaves too many unanswered questions in its poorly-worded creation of a new set of extensive and expensive requirements for both school districts and the Department of Education.

Thank you for your consideration of PSBA’s comments.



**Timothy M. Allwein**

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Governmental and Member Relations