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**From:** Louise L. Smith [louise.lis@verizon.net]  
**Sent:** Wednesday, September 30, 2009 3:29 PM  
**To:** IRRC  
**Subject:** IRRC ISSUE # 2696 - tate Board of Education Final-Form Reg. No. 006-312- Chapter 4 Regulations - "Keystone Exams"

**Importance:** High

September 30, 2009

Arthur Coccodrilli, Chairman  
Independent Regulatory Review Commission  
333 Market Street, 14th Floor  
Harrisburg, PA 17101  
[irrc@irrc.state.pa.us](mailto:irrc@irrc.state.pa.us)

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RE: IRRC ISSUE # 2696  
State Board of Education Final-Form Reg. No. 006-312  
Chapter 4 Regulations - "Keystone Exams"

Dear Mr. Coccodrilli:

This letter is to oppose the State Board of Education (Board) Final-Form Regulation No. 006-312 which would revise the current Chapter 4 regulations and establish the "Keystone Exams". Among a number of concerns about Regulation No. 006-312 is the following.

The State Board of Education has failed to address the IRRC's recommendation concerning the question of its statutory authority to determine specific graduation requirements. The General Assembly and members of the public continue to question the Board's authority to set these requirements.

The changes proposed by Final-Form Regulation No. 006-312 will so drastically transform public education (and hence society) as to demand legislative review. Even so, the Board has ignored Legislative intent and proceeded in opposition to the will of the Legislature.

Clearly, the General Assembly declared its intent in a provision of Act 61 of 2008. The position of the General Assembly is, "a regulation to change or establish high school graduation requirements shall not be further promulgated, approved or proposed" in the 2008-2009 fiscal year. The Board began contracts for Keystone Exams in April and May of 2009.

As well, Senate Bill No. 281 provides that the Department of Education will not develop or implement such requirements until the General Assembly specifically appropriates funds for this purpose

Governor Edward G. Rendell has himself, in March of 2006, stated in his Amicus Curiae brief to the United States Court of Appeals, "Pennsylvania Constitution textually commits educational funding to the General Assembly.

As a result, educational funding is determined through a legislative process in which the General Assembly must consider various fiscal and educational priorities".

In July of 2008, the Independent Regulatory Review Committee recommended to the State Board of Education that they work closely with both chambers of the General Assembly and the Senate

and House Education Committees to ensure that the final-form regulation is consistent with the intent of the General Assembly. The Board proceeded without doing so.

Based upon the failure of the State Board to address the question of its statutory authority as urged by the IRRC, I ask that you vote to disapprove Final-Form Reg. No. 006-312 .

Yours truly,

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