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Pennsylvania Partnerships for Children

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The Honorable Arthur Coccodrilli
Chairman
Independent Regulatory Review Commission (IRRC)
333 Market Street, 14th Floor
Harrisburg, PA 17101

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INDEPENDENT REGULATORY
REVIEW COMMISSION

RE: Final-Form Regulation 6-312 – Academic Standards and Assessment

Dear Chairman Coccodrilli:

On behalf of Pennsylvania Partnerships for Children (PPC), I would like to express support for the final-form regulation 6-312 relating to academic standards and assessment and urge the Independent Regulatory Review Commission's (IRRC's) approval. PPC is a statewide, non-partisan, independent child advocacy organization committed to improving the health, education and well-being of the children of the Commonwealth. Our vision is to make Pennsylvania one of the top ten states in the nation to be a child and to raise a child. For nearly three years, PPC has advocated for a solution to a problem that some people involved in this debate have only just acknowledged -- the disconnect between Pennsylvania's high schools, postsecondary education and employers that fails to serve the academic advancement and career preparedness of the Commonwealth's youth.

The polarizing nature of this issue and the widespread public debate was, and continues to be, unprecedented within the education community. Fortunately, since IRRC first reviewed the proposed regulations in the summer of 2008, a working consensus has been reached and many concerns have been addressed. The Senate Education Committee in a bipartisan vote of 10-1 even approved a resolution (Senate Resolution 156) endorsing the compromise that is embodied in the final-form regulations.

In short, the final-form rulemaking strikes the right balance between accountability and local control by providing school districts multiple pathways for students to demonstrate proficiency of the state standards and earn a diploma. Moreover, it provides a reliable and consistent assessment system for all students, with appropriate accommodations for diverse learners. The rulemaking before you represents the very definition of the word "compromise" while keeping student achievement as its core purpose.

In the following, I will address: why PPC has consistently maintained that regulations reforming Pennsylvania's high school graduation requirements were necessary; components that will help school districts improve students' academic achievement; and specific concerns about the regulation that were raised by IRRC and others individuals.

The Need

As a data-driven child advocacy organization, PPC looked at a variety of data on student achievement, graduation, remediation rates at community and state-owned universities and the quality of the local assessments to determine if a problem did indeed exist. In Pennsylvania's 2008 high school graduating classes, more than 40 percent of the graduates failed to demonstrated proficiency on the PSSA in 11th grade, the 12th grade retake or did not take PSSA and graduated based on local assessments.¹ These young people live in communities all across our state - 455 school districts graduated at least 20 percent more students than demonstrated proficiency on the 11th grade PSSAs or the 12th grade retake.

But that wasn't the only thing that convinced PPC that there was a problem. Pennsylvania's postsecondary education institutions also reported that many freshmen needed remedial education before they were able to take credit-bearing college courses. According to data released by the Pennsylvania Department of Education (PDE), one in three recent Pennsylvania high school graduates, or 20,000 students, who enrolled in a Pennsylvania community college or state-owed university could not pass a first-year college math or English course and were required to take one or more remedial classes. The cost to students, parents and taxpayers for this lack of preparation is \$26 million annually.

Given the clear state graduation requirement that students must demonstrate proficiency on Pennsylvania's academic standards, how could this be happening?² It is happening because many students graduate under the local assessment, which can have 500 meanings in 500 school districts.

The issue of local assessments was of concern to this Commission as well as the regulated community. So largely to address the challenge of those who objected to the proposed regulations in 2008, PDE commissioned Penn State University's College of Education to do a study of school districts' local assessments. The results were astonishing even to those, like PPC, who already agreed that a problem existed. According to the study, only 18 school districts appropriately measure proficiency in math and reading for their students and use these results accordingly to award diplomas.

The graduation data, reports from higher education institutions and evaluation of districts' local assessments point to one inevitable conclusion: For the sake of Pennsylvania's children, decisive action to reform Pennsylvania's high school graduation requirements is warranted and necessary to ensure that children graduate with the skills they need to succeed in life.

Tools that will help enable student success

A cornerstone of the proposal and a long-term condition of PPC's support is the core academic supports designed to assure students succeed. These include guaranteed supplemental instruction for struggling students, voluntary model curriculum, diagnostic tools to help identify children at-risk of dropping out of school and educational failure as early as 6th grade, assistance developing student tutoring and remediation programs, extended instructional time programs, technical assistance for school districts in developing quality local assessments, and professional development for teachers.

Supplemental instruction, in particular, remains a crucial component of the final-form regulations. PPC has strongly asserted that students who are struggling and fail to meet the academic standards must be guaranteed remediation. Simply put, if we are going to hold students accountable for achieving the standards, we must provide the academic supports to help get them to proficiency .

¹ This percentage represents graduates from all public schools.

² 22 Pa. Code § 4.24

Additionally, and in response to a concern raised by IRRC last summer, the final-form regulations are specific as to when supplemental instruction is required to commence, under what conditions and in what subject areas for students. Students who are educated under a local assessment will also be guaranteed supplemental instruction if they don't meet proficiency requirements. With these regulations, students will receive supplemental instruction at the point of instruction when they fail to demonstrate proficiency. So if students take Algebra I in 7th grade and need supplemental instruction, they will receive it then. Supplemental instruction is required for all of the ten courses linked to a Keystone Exam.

Reliable and consistent assessment

Another key element of the regulations is the adoption of a reliable and consistent assessment system for all students. PPC believes that such an assessment system (with accommodations for diverse learners) must be in place. This does not mean that every school district be required to use the same exact tools for measurement, but rather provide a rigorous process to ensure that any measurement tool used in Pennsylvania schools is aligned to state standards and is consistently applied to all students. These supports, coupled with the availability of Keystone Exams, provide an effective approach to ensure student success.

Local control and input

Like the proposed regulations, the use of Keystone Exams by school districts is voluntary and districts are permitted to use their local assessment provided that they are aligned to state standards and independently validated every six years. The cost of validation will be evenly divided between PDE and the local school districts that choose to exercise this option.

Further, the final-form regulations provide for increased local oversight and influence. Education stakeholders, including school board members, superintendents, principals and teachers will have the opportunity to participate in the decision-making process with the State Board of Education and PDE on three different advisory committees. These committees will separately deal with validation of local assessments and performance level descriptors and cut scores for Keystone Exams. In short, the opportunities to influence and ensure that local concerns and voices are heard in decisions surrounding validation of local assessment and performance levels on Keystone Exams are numerous.

Not a high-stakes test

On many occasions, these regulations have been categorized as establishing a single high-stakes test that will prevent children from graduating from high school. Let me be clear: such statements are a deliberate mischaracterization of this regulatory package. The term "high-stakes" indicates a once and done opportunity without any chances to demonstrate improvement. That is not the case with this proposal.

The final-form regulations call for the development of 10 individual end-of-course assessments in English Composition, Literature, Algebra I, Geometry, Algebra II, Biology, Chemistry, American History, Civics and Government and World History – NOT a single test. Students will be allowed to demonstrate proficiency in reading/writing, math, science and social studies via any combination of a validated local assessment, course completion where one third of a student's grade is based upon a score on a Keystone Exam, and scores on Advanced Placement and International Baccalaureate Exams.

Students who do not score proficient on a Keystone Exam can retake any Keystone Exam to improve their score at the next available testing date. These exams will also be designed in modules to reflect distinct, academic content so if a student does well on all but one module of an exam, that student can retake just the single module.

The proposal also includes alternative pathways to graduation for that small number of students who don't perform well on exams. The final-form regulations require PDE to develop a project-based assessment (based on Maryland's Bridge Plan for Academic Validation). Students will be able to supplement their Keystone Exam scores with project-based credit if they do not score proficient on a Keystone Exam after two attempts. The regulations also include accommodations for students with an individualized education plan and allow the Secretary of Education to grant waivers to students for extenuating circumstances on a case-by-case basis

With all of these options and opportunities to demonstrate proficiency on state academic standards for the purpose of graduation, these regulations cannot be characterized as high-stakes. If anything, the various options for districts, the exam counting for one-third of the students' overall grade in the course, and the opportunities for students to retake tests or earn additional credit demonstrate that the State Board of Education clearly responded to criticism and included multiple pathways and opportunities for kids to succeed, so they can graduate on time.

Not more testing – better testing

Many critics of the proposal have indicated that Pennsylvania should not be enacting regulations that will increase testing time for students. Such assertions that these regulations will do that are, simply, baseless. Final-form regulation 6-312 is far superior because it requires that PDE seek approval from the U.S. Department of Education to replace the 11th grade PSSA with the Algebra I and English Literature Keystone Exams as Pennsylvania's accountability measure under No Child Left Behind. This was always discussed as the department's goal during consideration of the proposed regulations. These regulations, once the 11th grade PSSA is replaced with the two Keystone Exams, will eliminate 18 hours of testing.

Additionally, utilizing Keystone Exams as end-of-course exams means that Pennsylvania will not only have less testing for high school students, we will have better testing. Using the Keystone Exams as end-of-course exams means that Keystone Exams will replace local final exams. Students will be able to retake whole exams or modules and earn improve their scores on their Keystone Exams. Finally, testing will take place closer to the point of instruction. So, if a student takes Algebra I in 7th grade, they would be assessed at the end of 7th grade rather than waiting until 11th grade.

Dropouts

The concern about increasing the number of Pennsylvania's dropouts has also been raised as a reason to reject this regulatory proposal. But again, there is evidence to the contrary. Consider the progress of Virginia, which implemented end-of-course exams in 1998 and began using them as a graduation requirement in 2004. Virginia's support and assessment system very closely resemble the State Board of Education's proposal, but without the level of local control that is now included in our final-form regulations. Virginia's accountability system has led to dramatic improvements in student achievement without resulting in an increase in high school dropouts. In 2008, pass rates in Virginia (defined as scoring proficient or above) in key subjects, like reading, writing, algebra I, chemistry and world history were over 90 percent. For comparison, Pennsylvania's PSSA results in 2007-08 showed 11th graders scoring 55.8 percent proficient or above in math and 64.8 percent in reading. Moreover, Virginia's dropout rates have remained relatively unchanged from 2004-2007, hovering between 1.86 percent and 1.89 percent. The Virginia system show that strong supports and accountability should not add large numbers of dropouts in Pennsylvania.

Weighting of the Keystone Exam scores

As mentioned, the Keystone Exam will count as one-third of a student's final grade. This weighting makes the test results important, but clearly not the sole measure of a student's achievement in the course. Many opponents of the proposed regulations were strongly opposed to basing the decision as to whether a student had achieved the academic standards and would graduate solely on the results of their end-of-course exam (then referred to as a Graduation Competency Assessment). Having the Keystone Exams count as one-third of the final grade allows for multiple measures of achievement and ensures that no student will be denied a diploma based on the results of one test alone.

Additionally, we have all heard the argument from some opponents that students do not take the PSSA seriously and therefore it isn't a reliable measure. But, if the Keystone Exam counts for one-third of a student's final grade in the course, students are very likely to take the exam seriously and do their best – which could help more schools meet adequate yearly progress.

Conclusion

Thank you for your consideration of PPC's comments. Ensuring that students are prepared for the challenges they will face after graduation day is critically important to our young people and the Commonwealth. Stakeholders, child advocates, the State Board of Education, some education associations and members of the General Assembly have worked diligently to achieve a compromise that can solve this problem, provide tools to school districts to improve student achievement and still respect the authority of local school districts. As Pennsylvania stands on the precipice of adopting meaningful reforms that will assure our children will graduate from high school college- and career-ready, I urge you and your colleagues to take this final step and adopt the final rule-making. Doing so will establish high expectations for all Pennsylvania students, supports to help them achieve and a common-sense accountability system to ensure that they are prepared to succeed.

Sincerely,

A handwritten signature in black ink, appearing to be 'Joan L. Benso', with a large, stylized initial 'J' and a long, sweeping horizontal stroke extending to the right.

Joan L. Benso
President and CEO

cc: The Honorable Donna Cooper
The Honorable Paul Clymer
The Honorable Andrew Dinniman
The Honorable Jeff Piccola
The Honorable James Roebuck
The Honorable Joseph Torsella
The Honorable Gerald Zahorchak