



SHASDA

South Hills Area School Districts Association
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October 12, 2009

Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101
Fax: 717-783-2664
Email: irrc@irrc.state.pa.us

SUBJECT: #2696 Keystone Exams

Dear Chairman Coccodrilli and Members of the IRRC,

South Hills Areas School Districts Association of twenty-two school districts in southwestern Pennsylvania remains opposed to the changes to Pennsylvania's graduation requirements that include Keystone Exams. The following concerns were raised by the IRRC when reviewing the draft regulatory changes:

Health, safety, and welfare:

Initial concerns were raised that the new regulations may raise drop-out rates. Although several undefined measures to allow for alternative testing have been included in the final form regulations, the Board has not yet demonstrated how the institution of end-of-course exams as a graduation requirement will not raise the dropout rate. Even though the Maryland Plan offers Bridge Projects, Maryland's student dropout rate last year increased to over 27,000, just as the dropout rates have increased in other states that use exit/end of course exams (CA, FL, MA, OH, etc.). Not all students in Pennsylvania have access to the same resources in the classroom, and those resources are reflected in the facilities, the classroom materials, and in the quality of the teachers. It is not fair to measure all students by the same measuring stick and withhold a diploma on that basis – when all students are not provided the same opportunities.

Despite the lack of research, the Education Commission of the States (ECS), an organization chaired by a state governor since 1965, cites high-stakes exams as a tool for raising standards and promoting accountability. The financial sponsors of this organization, as currently listed on the ECS web site (Chair's Circle – \$75,000 or more entitles the sponsor to recognition on ECS web site) are, not surprisingly, comprised of national testing and textbook companies. The sponsor listed first and foremost on the ECS web site, however, is the Corrections Corporation

Member Districts

Baldwin-Whitehall Bentworth Bethel Park Brentwood Canon-McMillan Carlynton Charleoi Chartiers-Houston
Chartiers Valley Elizabeth Forward Keystone Oaks Mt. Lebanon Peters Township Ringgold
South Allegheny South Fayette South Park Trinity Upper St. Clair West Allegheny West Jefferson Hills West Mifflin

of America. NAACP has voiced concern that exit exams push minority and poor children out of school and into prison – why is the country's largest owner and operator of privatized correctional and detention facilities and one of the largest US prison operators interested in an unproven education policy that has little support from the education community?

The “meaning” of a high school diploma is quantified by both employers and colleges through the grade point average and the SAT scores. This plan unfairly distorts the “meaning” of the grade point average by factoring the value of one standardized test score to count for 1/3 of a student's grade. It is unreasonable that students scoring below basic on a Keystone Exam or on a module get NO credit for what they do know, but instead will be given a 0% for 1/3 of their grade, rather than the score they have earned on the test. It is unethical to “assess” a student a percentage grade that he has not earned - if a student earns a 40%, then what gives anyone the right to make that a 0%? The weight of 1/3 and the 0% floor will unfairly affect students competing for acceptance into colleges and for scholarships. The effect on GPA causes the Keystone Exams to be more “high-stakes” than the original “pass-fail” nature of the Graduation Competency Assessment Plan proposed by the Department last year.

It is unfair that students who score Proficient will have that score count as 1/3 of their final grade with no chance to increase that score, while other students who may score slightly less than Proficient will have another opportunity to raise 1/3 of their grade by re-taking the exam. Although the proposed Bridge Project offers an alternative pathway to a diploma, a grading scheme that gives supplemental bonus points further distorts and invalidates the final grade earned in the course and consequentially the GPA .

Mathematically, a student with a high B average in class who fails the exam will fail the course. Conversely, a student with a failing grade in class can pass the course with a high C just by attaining a high score on the Keystone Exam. Please do the math.

The factoring of a student's score on an Advanced Placement Exam further distorts the GPA, as Advanced Placement exams were not designed for this purpose, nor does the course content correlate with the subject matter tested on a Keystone Exam. An AP student who does not pass the AP exam will not be prepared via the classroom for the material tested on a Keystone Exam.

Additionally, replacing rigorous mid-terms and final exams that are currently used in many school districts with Keystone Exams will serve to narrow the curriculum in high schools across this state. For example, it is not educationally in the best interest of students to administer the same Keystone Exam to students in General Biology, Accelerated Biology, and Honors Biology, replacing the assessments that have been designed to reflect the rigor of those various courses.

Fiscal impact, reasonableness and implementation:

Original concerns were raised by the IRRRC about the fiscal impact on school districts. With the exception of paying one-half the undefined costs of local assessment validation, the following costs are unaddressed by the regulations:

1. **Local Level Costs:**

LEAs that choose to use their own local assessments will be required to pay ½ the costs of validation. Chairman Torsella has stated to the news media that those costs will run from \$5,000 to \$15,000 per subject area tested, for an average of \$100,000 per school

district for the ten subjects required. At ½ the cost, the LEA's share would be \$50,000 per school district that chooses to use the local assessment option. This is a recurring cost to districts, as the validation study is required to be repeated every six years. If all districts choose to validate their own assessments, the local cost to all school districts will average, per Mr. Torsella's estimates, to \$25,000,000.

School districts who have no choice but to use the keystones, or whose local assessments cannot be validated for whatever reason, will be required to purchase new textbooks and related instructional materials, which will include software, for ten subject areas based on the content tested by the newly designed assessments. This proposal mandates a K-12 curriculum, which would require districts to purchase textbooks and related materials for grades K-12. In a district of approximately 3,000 students, new textbooks and related materials have most recently cost several of our districts \$500,000 for just one subject area. A district of 3,000 students will incur \$5,000,000 for textbooks covering grades K-12 in the ten subject areas required by the Keystone Exams.

LEAs using the Keystone Exams will be required to administer the exams in the spring, summer, and fall. Summer and fall testing would obviously be for administration of test re-takes. In order for a student to succeed on a summer and/or fall re-take, summer school would be required in all ten subject areas, and all modules, for the students who have not reached a proficient score, as students who are below basic and using the test as one of their six required exams are required to re-take the exam, and students who are below proficient but above basic will want to, and will be encouraged to, retake the exams to improve their score, and their grade point average, as the exam counts for 1/3 of the grade. School districts will be required to pay professional staff in ten subject areas to teach summer school classes to provide remediation, and they will also need support staff. This may become a huge financial burden on school districts operating under limited funding due to Act 1 and referendum requirements, as well as due to effects of the recession on school district revenues.

School districts currently have difficulty finding high school certified math and science teachers for the regular school year. Recruiting staff for summer school remediation classes will be an even bigger challenge, especially if district buildings are not air conditioned, and many school buildings, due to cost constraints, are not. Conducting classes through the summer months in hot buildings, when those buildings are undergoing maintenance, repair, and possibly remodeling, is going to be an unreasonable demand on a school district.

Will school districts be required to transport these students in the summer months for summer school remediation? If so, the cost of busing students during the summer months is an additional unfunded cost that has not been anticipated by those creating these regulations. This would be an unreasonable unfunded cost for districts to absorb. School districts also will need to add staff for record keeping as districts will be required to track which students passed which modules of which of the ten subject area tests for scheduling and remediation purposes.

In addition to these costs, school districts will be required to pay the additional costs of implementing the Bridge Projects offered to students who cannot pass the test retakes.

The Bridge Project, although it is an alternative pathway for a child who cannot demonstrate proficiency on a standardized test, will be a labor intensive cost for districts for it will require additional staffing and/or extended school-day/ overtime pay for instructors assigned as bridging coaches for students who were unsuccessful on the summer and fall test retakes. The Bridge Program may require additional after-school busing for the many school districts that must provide transportation for their students.

The Bridge Projects must be scored at the regional level, i.e. through the intermediate units. There will be additional costs passed through to the school districts from the IUs for scoring of the Bridge Projects. In Virginia, five days of scoring their Alternative Pathways was \$500,000.

From the IRRC's initial comments: "Tracking the progress of each student in each of the subject matters, scheduling students to take a test or retake a test (or a module of a particular test) and providing remediation are all significant tasks that will require a large amount of a school district's resources." The final form regulation does not alleviate this problem; in fact, costs are greater to school districts due to the addition of the Bridge Project component to an initiative that already includes test administration and scoring for 30 standardized tests per year (10 subjects x 3 per year).

2. State Level Costs:

The Department of Education has entered into a contract with DRC for \$201 million for test development for 10 subject areas, curriculum, and diagnostics. Although the Department indicates \$150 million as a reduction from the \$201 million original contract, the contract has been signed for \$201 million and has not been renegotiated. The \$150 million cited by the Department excludes the costs for curriculum and diagnostics and reflects the costs of the tests only. The additional \$25 million "operational" savings cited results from pushing out the cost of 3 subject area tests past the conclusion of the current DRC contract; thus, the \$25 million saved represents a postponement of spending rather than a reduction in cost.

An additional \$15 million savings is cited as \$5 million/year from not administering the PSSAs. However, in reality, we are really substituting new, parallel, recurring costs each year in administering the four Keystone Exams that are suggested to replace the four subject area PSSAs, which is not a savings, but merely a shift from PSSA to Keystones – and that is only in the best case scenario that the Federal DOE accepts the Keystones for AYP. If the subject exams are not accepted by the Feds as measures under NCLB, we will actually be doubling our assessment costs under this plan for four of the subject areas tested under NCLB, requiring both the Keystone Exams as well as the PSSA. If the Feds do accept the Keystone Exams as measures under NCLB, there will still be recurring annual increased costs for the six additional subject areas required to be assessed under this regulation (and not required under NCLB) via standardized Keystone Exams, as the regulation requires that 10 subject areas be tested. If four PSSA's cost \$5 million per year (per PDE), then ten standardized subject area tests should cost the state \$12.5 million on an annual basis.

The Department shall seek to have the Keystone Exam system (Algebra I, Literature and Composition, and Biology) approved for use under NCLB requirements, asserting that

no instructional time will be lost to more testing. However, the Department admits that there will be some overlap, as PDE needs to obtain evidence before applying for the change with the Feds. NCLB requires students to be tested in Grades 3, 8, and 11. Is it reasonable to conclude that the Feds will allow a student's Algebra I assessment as the measure under NCLB (when in many districts it is administered prior to high school), to be the final assessment for that student, with no additional math assessment of a building's annual progress in high school as required by NCLB? In the overlapping years, more instructional time will be lost to testing; and it is unclear that the Keystone System will eliminate the PSSA requirement, particularly in light of the reauthorization of ESEA (No Child Left Behind of 2001), which Secretary Duncan is now emphasizing as a priority.

The \$201 million contract does not cover the cost of the validity study required at least once every five years in certifying the state level Keystone Exams for content, criterion, and consequence, as required by the regulation to be conducted by an independent research organization. A consequential validation involves following students into college and beyond to determine whether or not standardized test performance predicts college and career success. Given the nature of a study that aims to validate all three variables, as well as determine alignment with state standards and international benchmarks, one can conclude that the cost of such a study will be significant.

For school districts that have the financial resources to choose to use their own locally designed assessment for the 10 subject areas, the State is required to fund $\frac{1}{2}$ of those validation costs. The better assessment tools allow for multiple measures of student proficiency and will be more costly to validate. As mentioned above, for 10 subjects at $\frac{1}{2}$ the cost, the state's share would be \$50,000 per school district that chooses to use the local assessment option and \$25,000,000 should all districts opt for validating their local assessments.

Race to the Top Funding is not an option unless students' test scores are tied to teacher evaluations. Most Pennsylvania collective bargaining agreements do not allow for assessing teacher performance based on student test scores.

Need for regulation:

The IRRC has noted that the Board has failed to demonstrate a need for the regulation. The final form regulations still do not demonstrate this need. The Department of Education gathered information about local assessments for the first time in September 2008 (Penn State Study). That study itself was not valid. The Study did not reveal that only 18 school districts have valid local assessments. The Study said that based on the information that they had collected, they were unable to determine whether or not many of the districts' local assessments were accurate measures of proficiency. Many districts did not respond to the request because the information was requested during a time when many teachers had not yet returned to school to gather that information and when districts were in the process of back-to-school duties. There was not much time for the districts to compile the information. The request did not indicate with specificity exactly on what criteria they were basing their study, thus it was a study with no rubric; and the study originally indicated that it was to be a two-part study with more questions to be forthcoming. To base the need for a change in graduation requirements of this magnitude on a study that concluded that it needs more information in order to make a decision on whether

local assessments are a valid measure of proficiency is not a reasonable assumption, especially in light of the significant costs associated with this plan.

The Board has failed to demonstrate why the Department cannot use the information that was gathered to provide technical assistance for districts to improve local assessments without enacting the regulations. If 18 districts were shown to have valid assessments, why not allow those districts to share their assessments and practices as models for the remaining districts, giving districts 18 choices, in a much more cost effective way?

The current PSSA assessment system, along with the state's investment in PVAAS, already tells us what we need to know and which students need help. Another set of high stakes tests to tell us what we already know, is a waste of resources. Rather than spending \$201,000,000 (plus additional costs at the local and state level) on a plan for testing students when it is already too late to intervene (a plan that in other states has pushed our most vulnerable students out of education and into poverty and prison), money should be spent on programs like early childhood education and early intervention initiatives, which are proven to have positive results for our most "at risk" students.

There is no conclusive research to prove that performance on standardized tests produces increased post-secondary achievement. This plan is an unproven initiative.

Statutory authority:

During the initial public comment period, it was called into question by the General Assembly and members of the public whether the State Board has the statutory authority to determine specific graduation requirements. The IRRRC has called upon the Board to address this concern, and the Board has failed to do so.

Legislative Intent:

HB Resolution 456, a Joint Concurrent Bipartisan Resolution Co-sponsored by Representatives Clymer and Youngblood, has co-sponsor signatures of 80% of the House Assembly. SB 281 legislation, which would require that changes in graduation requirements have the approval of the legislature, passed the Senate by a vote of 48-1. This regulation does not reflect the intent of the legislature.

For all of the above reasons, we do not believe that the proposed final form regulations are in the public interest. Based upon the failure of the State Board to address the original concerns by the IRRRC, we ask that you vote to disapprove the final form regulations.

Yours truly,



Shauna M. D'Alessandro
President

cc: Senate Education Committee
House Education Committee
State Board of Education
SHASDA Legislators

2696

From: Shauna D'Alessandro [shaunacpa@comcast.net]
Sent: Monday, October 12, 2009 1:11 PM
To: IRRC
Subject: South Hills Area School Districts Association - Public Comment re: #2696 Keystone Exams
Attachments: SHASDA to IRRC #2696 10-12-09 Public Comment.pdf

The attached comments are submitted on behalf of the South Hills Area School Districts Association (SHASDA).

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'All that is necessary for the triumph of evil is that good men do nothing' (Sir Edmund Burke)

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