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October 16, 2009

Arthur Coccodrilli, Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101
irrc@irrc.state.pa.us

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INDEPENDENT REGULATORY
REVIEW COMMISSION

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

Dear Mr. Coccodrilli:

The Delaware Valley Affiliate of the National Alliance of Black School Educators (DVA NABSE) on behalf of its regional membership representing classroom teachers, support staff, and educator administrators as well as lay tax payers from all walks of life writes 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”. The following opposition is raised by members of DVA-NABSE.

The Final-Form regulations are more stringent than and pervert the intention of the Federal Regulations. The purpose for testing and disaggregation of data as required by NCLB is to assess how well schools are educating students. The Board plan as Keystone Exams uses the testing process to judge students. The possible consequence is to punish students for the failure of their schools, to sort them out and marginalize them by withholding their diplomas based on arbitrary and politically determined cut-off scores on tests.

The fiscal impact of the Final-Form Regulations lacks transparency. The costs to school districts, their tax payers and the Commonwealth are submerged through the use of broad and unclear Department of Education commitments and promises of support as well as unfunded mandates on local education entities. The cost estimates are missing concerning procedures such as developing and validating local assessments, administering and scoring tests, record keeping, and supplemental education when students miss “cut off scores”, retesting and rescoring tests, and for developing, validating, monitoring and assessing “Bridge” projects.

The changes proposed by Final-Form Regulation No. 006-312 will drastically transform public education (and hence society). Changes of this magnitude demand legislative review. Even so, the Board has ignored Legislative intent and proceeded in opposition to the will of the Legislature. Although the General Assembly and members of the public have questioned the Board’s statutory authority to determine specific graduation requirements, and although the IRRC has called upon the Board to address this concern, the Board has failed to do so. Members of DVA-NABSE believe that it is the right and authority of the people to speak to this issue through their elected officials.

The Final-Form Regulation creates a system of high stakes tests that threaten the health, safety and welfare of all citizens of the Commonwealth. Current research and public information reports that in states where the high school diploma has been attached to student scores on high stakes tests, there has been an increase in dropout rates as well as an increase in the incarceration rates (Pew Center: Report on the States 2008).

It is generally reported and rigorously documented that high school drop outs are financially immobilized with the annual earning capacity of an estimated \$19,000. They experience shorter lives than persons with a high school diploma due to the lack of health care. They live in poverty and cannot sustain themselves. They must access public assistance for food and shelter. They must depend on emergency room medical treatment. It will cost tax payers billions of dollars if we push students out of high school with no diploma.

It is well documented that incarceration rates correlate highly with leaving school without a diploma. Health officials site prisons as breeding grounds for communicable diseases. Men especially are known to take such diseases as Hepatitis C and HIV from prison into the community.

The Final-Form Regulations create a dual education system that has a disparate impact on students in underfunded districts. While well funded districts have access to the best practice process of multiple forms of assessment because they can afford validation costs; underfunded districts will be forced to default to the paper and pencil "end of course" tests provided by the state. Hence students who are test phobic or who best display their knowledge and skills through portfolio assessments and/or other evaluative techniques face the systematic, official intimidation of stringent barriers to the high school diploma. This will eventually lead to litigation costs which have not been addressed in the Board's plan.

The Final-Form Regulations proposal fails to demonstrate the need for this regulation. Current results on the PSSA have been identified as showing student improvement across Pennsylvania. The PA Department of Education has the authority to monitor the alignment of district curricula to State Standards. The Keystone Exams plan is not only unnecessary, it is a waste of tax dollars.

The Final-Form regulations are unclear. The Board fails to show clearly how districts are expected to implement the new regulations or why the Board believes this approach is reasonable. Over time, 10 "end of course" tests will be required. To allow time for scheduling school resources, students make course selection around February. End of course exams will have to be taken in the late spring. There is no way to predict how much will be required in the way of rescheduling and reassignment of professional staff based on student performance on the assessments. Students who miss the cut off scores and who need remediation and retesting in multiple areas face the possibility of a 5 or 6 year high school experience. Educators predict that this will lead to an increase in the dropout rate across Pennsylvania.

Based upon the failure of the State Board to address the original concerns by the IRRC, and the unfriendly nature of the Keystone Exams, the members of DVA-NABSE strongly urge you vote to disapprove the final form regulations No. 006-312.

Sincerely,



Corey J. Fields, DVA-NABSE President