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From: Sherry A Stoudt [sherrys@pasa-net.org]
Sent: Monday, October 19, 2009 4:08 PM
To: IRRC
Cc: 'James Buckheit'
Subject: Regulation Number 006-312 (PASA)
Attachments: Regulation Number 006-312 (PASA).pdf

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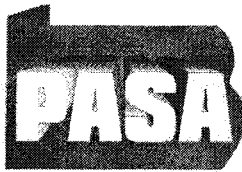
INDEPENDENT REGULATORY
REVIEW COMMISSION

To the Members of the Independent Regulatory Review Commission:

Please find and accept the attached letter regarding Regulation 006-312 being sent on behalf of PASA. We thank you in advance for your time and consideration in this matter.

Regards,

Sherry Stoudt
PASA Administrative Assistant
sherrys@pasa-net.org



Pennsylvania Association of School Administrators

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October 19, 2009

Mr. Arthur Coccodrilli, Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17104

Re: Regulation Number 006-312

Dear Mr. Coccodrilli:

The Pennsylvania Association of School Administrators (PASA) represents school superintendents and other school leaders who have a great interest in the quality of education programs and policies that govern the issuance of the high school diploma. Association members participated in public roundtable meetings, public hearings, legislative hearings, and meetings of the State Board along with public discussions of this issue throughout the two-plus years it has been on the agenda of the State Board.

We want to acknowledge and express our appreciation for the considerable efforts made by Chairman Torsella and members of the State Board to meet with representatives of PASA and other education stakeholders in an attempt to fashion a mutually acceptable policy. The regulation before you today is vastly different and much improved from previous versions of the regulation. However, despite these efforts, we are unable to support the final-form regulation and request that the Commission disapprove it for the reasons outlined below.

- Points for below-basic performance-Awarding zero points to students who score below basic on one or more Keystone Exams is contrary to the standard educational practice of awarding students credit for their achievement, regardless of the level of achievement. Given the subjective nature of cut scores, one student who barely scores at the basic level will receive points towards a final grade while another student who scores just below the basic student will not receive any points. There is no significant difference in the knowledge and skills of these two students, yet one will receive points from the Keystone Exam that will allow him to pass the course and move on to the next level while the other student receives zero points from the Keystone Exam and therefore must participate in remediation and retesting in order to advance. Students should be awarded full credit for their test results.

- Academic content to be assessed-The state academic standards, which are outlined in appendices to the Chapter 4 regulations, are not detailed enough to develop end-of-course tests of the type contained in the regulation. The Department will need to develop academic content to be assessed by the Keystone Exams, which unlike the academic standards, will not go through the regulatory review process and therefore will not provide opportunity for public comment and review. PASA believes the content to be included in the voluntary model curriculum; diagnostic tools and Keystone Exams should be required to go through the regulatory review and approval process as did the state academic standards.

- Assessment of Vocational Students-Although the final-form regulation includes language that directs the state assessment validation committee to review and recommend whether NOCTI exams should be used to assess students enrolled in vocational and technical programs, PASA believes that NOCTI exams already have a successful track record and should be included as one of the assessment options provided in this regulation. In my district 20-25% of our graduating class participate in vocational education programs. We need to adopt a system of accountability that allows these students the opportunity to demonstrate proficiencies required for industry certification.

- Cost-The regulations impose substantial unrecognized costs on school districts. Cost estimates are not provided for the cost of administrators and teachers to monitor and track student attainment on the Keystone Exams or modules or the exams. PASA believes the administrative burdens that will be required to administer and manage the exams are considerable and will require the hiring of additional staff in many districts. In addition, although cost estimates are provided, we believe the estimates provided for providing supplemental instruction to students who are not successful on the Keystone Exams and *who must participate in the project-based assessments* is significantly understated.

- Clarity-PASA believes the regulation is extraordinarily complex, difficult to understand and does not address several significant issues. The regulation does not address whether districts that use one or more Keystone Exams as part of its local assessment system must count the exam as one-third of the student's final course grade or some other percentage. The regulation does not provide sufficient clarity as to how Advanced Placement and International Baccalaureate exams can serve as substitutes for Keystone Exams nor how students can test-out of a course by passing a Keystone Exam. These are just two examples of numerous issues the regulation does not adequately address.

These deficiencies will provide the Department of Education with considerable discretion in interpreting the regulation and establishing policies without having to submit them through the regulatory review and approval process.

For all of the above reasons, we urge the Commission to disapprove the regulation as not meeting the criteria for approval under the Regulatory Review Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard W. Fry". The signature is written in a cursive style with a large, sweeping initial "R".

Richard W. Fry
Chair
Legislative Committee